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Rebuilding Relationships after Civil War: Relational Justice and Ex-Combatant Reintegration in Liberia

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REBUILDING RELATIONSHIPS AFTER CIVIL WAR: RELATIONAL JUSTICE AND

EX-COMBATANT REINTEGRATION IN LIBERIA

A Doctoral Dissertation

Presented to

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Doctor of Philosophy in International Conflict Management

by

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Keywords: ex-combatant reintegration, non-relational community, Palava Hut, peacebuilding, relational community, relational justice, transitional justice, conflict transformation



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Abstract

Contemporary civil wars occur in the context of eroded state capacity, marked by the absence of effective formal institutions. At the same time, these wars occur in relational contexts where relationships are important. While institutions and relationships matter, ongoing approaches to peacebuilding give insufficient attention to the relational dimensions of conflict and peacebuilding. When relational imperatives are considered, the transitional justice mechanisms employed often prove unsuitable or insufficient to restore justice and reconcile estranged individuals and groups, as the Liberian case amply demonstrates. This exploratory and grounded theory research was conducted in response to the call by the Truth and Reconciliation Commission of Liberia for national *Palava Huts* that will help restore justice and broken relationships in Liberia. The Palava Hut is widely practiced in Liberia's relational rural communities where it has evolved as an effective tool for conflict transformation. However, its utility as a transitional justice measure has not been established, prompting the immediate question: Can the Palava Hut process work to address war-related injustices in relational and non-relational communities in Liberia? The results suggest that, with the exception of felonious cases, the Palava Hut can, with some modifications, address war-related crimes in ways that support effective reconciliation and reintegration, or people-to-people peacebuilding. The Palava Hut provides a forum that enables the preconditions for justice and reconciliation to be fulfilled. This study develops a relational theory of justice that accommodates the concurrent needs of justice and peace and proposes a more comprehensive and sustainable approach to reconciliation through a focus on relational justice.

Keywords: ex-combatant reintegration, non-relational community. Palava Hut, peacebuilding, relational community, relational context, relational justice, transitional justice

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List of Abbreviations and Acronyms

ACS	American Colonization Society
ADR	Alternative Dispute Resolution
AFL	Armed Forces of Liberia
AMIS	African Union Mission in Sudan
ANC	African National Congress
AU	African Union
CITI	Collaborative Institutional Training Initiative
CPA	Comprehensive Peace Agreement
DDR	Disarmament, Demobilization and Reintegration
ECOMOG	ECOWAS Ceasefire Monitoring Group
ECOWAS	Economic Community of West African States
GOL	Government of Liberia
ICISS	International Commission on Intervention and State Sovereignty
ICRC	International Committee of the Red Cross
IDDRS	Integrated Disarmament, Demobilization and Reintegration Standards
IDP	Internally Displaced Person
IGNU	Interim Government of National Unity in Liberia
INCHR	Independent National Commission on Human Rights
INPFL	Independent National Patriotic Front of Liberia
IRB	Institutional Review Board
KAIPTC	Kofi Annan International Peacekeeping Training Centre
LDF	Lofa Defence Force
LPC	Liberia Peace Council

LURD	Liberians United for Reconciliation and Democracy
MODEL	Movement for Democracy in Liberia
MOJA	Movement for Justice in Africa
NCDDRR	National Commission for Disarmament, Demobilization, Rehabilitation and Reintegration
NP	National Party
NPFL	National Patriotic Front of Liberia
NRC	National Reconciliation Commission
OAU	Organization of African Unity
ONUCA	United Nations Observer Group in Central America
PAL	Progressive Alliance of Liberia
PTSD	Post-traumatic Stress Disorder
ROL	Republic of Liberia
SCSL	Special Court for Sierra Leone
SIDDR	Stockholm Initiative on Disarmament, Demobilization and Reintegration
SSR	Security Sector Reform
TRC	Truth and Reconciliation Commission
TWP	True Whig Party
ULIMO-J/ULIMO-K	United Liberation Movement for Democracy and Justice
UN	United Nations
UNDP	United Nations Development Programme
UNAMID	Union/United Nations Hybrid Mission in Darfur
UNHCR	Office of the United Nations High Commissioner for Refugees
UNMIL	United Nations Mission in Liberia
WHO	World Health Organization

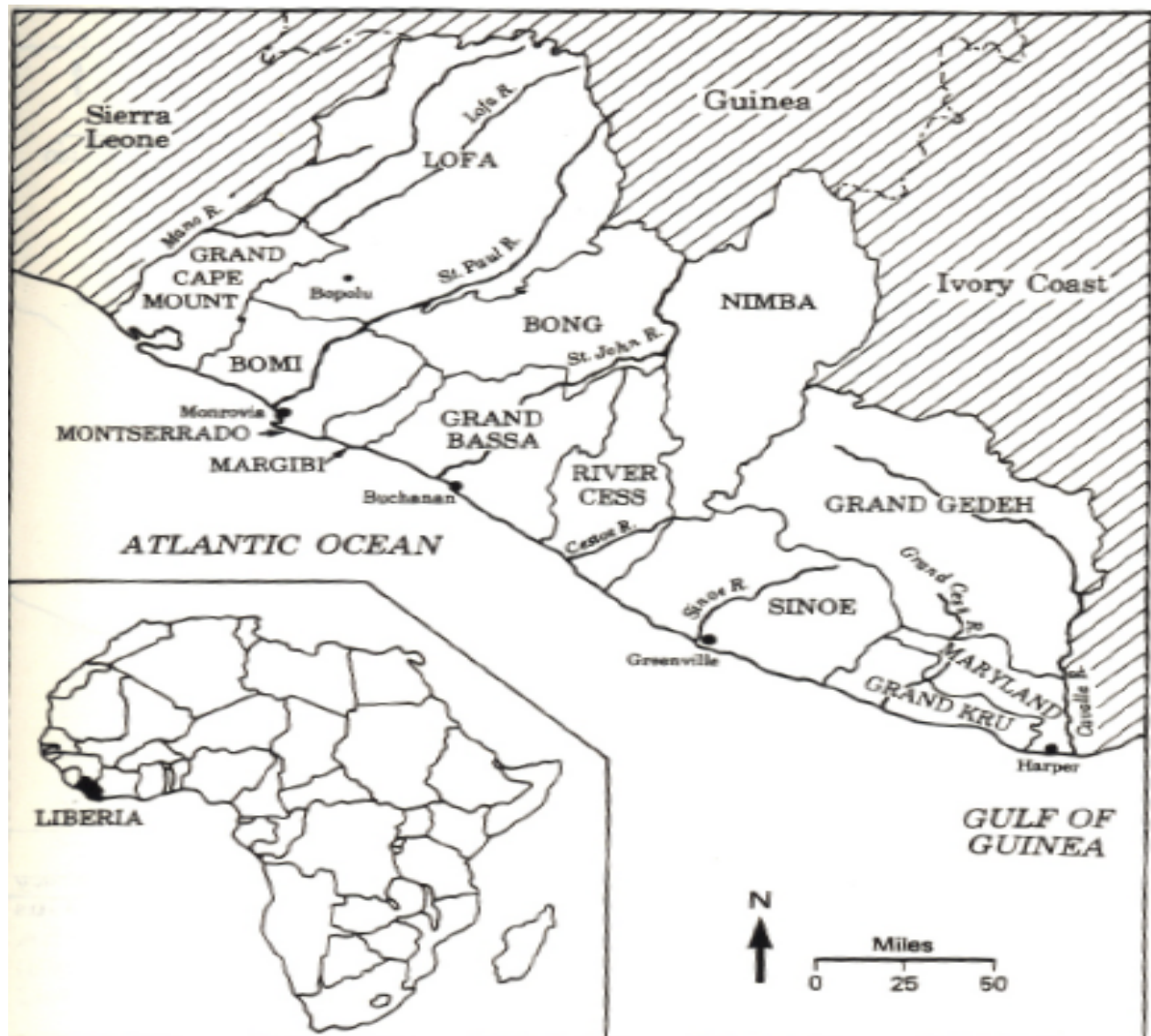


Figure 1. Political Map of Liberia. From *The Emergence of Autocracy in Liberia: Tragedy and Challenge*, by A. Sawyer, 1992, p. xv. Adapted from *Liberia: The Quest for Democracy*, by J. Liebenow. Reprinted with permission of J. Liebenow and Indiana University Press.

Chapter 1

INTRODUCTION TO THE STUDY

During public hearings conducted around the country, victims recounted the callousness and insouciance that ex-combatants have, since the cessation of hostilities, displayed in their interactions with local-host communities. It was not surprising therefore that during hearings victims made resounding calls for justice. But responding adequately to such calls is indeed fraught with difficulties. While the TRC has made concrete and substantive accountability recommendations, no court system, whether old or new, will be able to effectively prosecute the thousands of known perpetrators and alleged perpetrators, not including the unknown thousands whose identities are yet to be determined. Moreover, the lack or absence of courts, resources, lawyers, penal institutions and police officers, in large parts of the country necessitates consideration of alternatives that would provide opportunity for reconciliation and justice. (Republic of Liberia, 2009, p. 1)

The war had ended and everybody was back in Monrovia now doing their business. Everybody thought, 'let bygones be bygones.' That was the kind of mindset. And this lady selling the sugarcane saw this person coming to her and wanted to buy the sugarcane. So he took the sugarcane and handed her the money. They didn't have eye contact at that point. So she took the money and was looking for the change. To give him the money, then she had eye contact and recognized who this person was, and she took the sugarcane on the ground and just slammed it in this guy's face. And she started crying, 'You were the one who killed my husband and my children. In open market!' And these are the problems that are happening in many places in Liberia. (Adult Male in Monrovia, personal communication, September 9, 2015).

The Relational Deficits in Peacebuilding

One of the marked features of contemporary civil wars, particularly since the end of the Cold War, has been the disproportionate magnitude of violence which combatants direct at civilian populations (ICISS, 2001; Joshi & Quinn, 2016; Kaldor, 2007; Kaldor, 2012; Kalyvas, 2006; Muggah, 2005; Newman, 2004; Snow, 1996). Invariably, these “new wars” and the violence in them occur in the context of eroded state capacity, characterized by the absence of effective formal institutions and the inability of the state to monopolize legitimate violence and maintain law and order (Kaldor, 2007; Kaldor, 2012; Snow, 1996). At the same

time, these wars are fought in relational contexts¹ where relationships matter. Relationships are important because they bear directly on conflict and peacebuilding dynamics in many crucial respects.

First, in contemporary civil wars—typified by blurred lines between criminal and political violence (Kaldor, 2007)—combatants do not only attack distant enemies; they also target and victimize members of their own communities, towns, or cities. When wars end, however, previous antagonists, including the perpetrators of wartime atrocities and survivors, often return, or seek to return, and live in the same communities. If peacebuilding processes are to be successful at restoring lasting peace in such contexts, they must work to address the wartime injustices experienced and the traumas spawned in relationships.

Second, most contemporary civil wars, as they have been visible in Africa, Latin America, and the Balkans, are embedded in deep-seated cleavages and conflicting histories, so that violence is often channelled into settling old scores (Azar, 1990; Fisher, 2001; Jaye, 2003a). Such cleavages and the tensions that attend them often persist and simmer over long periods of time with occasional escalations (Abu-Nimer, 2001; Fisher, 2001). During civil wars, social cleavages and tensions are accentuated and rendered even more volatile, increasing the risk of civil war recurrence. Until the underlying conflictual relationships are transformed, sustainable peace may be difficult to achieve (Autesserre, 2010).

Third—and more importantly—in relational communities characterized by strong kinship ties and a shared sense of community, Isser, Lubkemann, and N'Tow (2009) observe that injustice is thought of as a fundamental source and consequence of “damaged and acrimonious social relations.” To restore justice, therefore, justice-related interventions “must work to repair those [damaged] relations” (p. 4).

¹Relational social contexts relate to close-knit homogeneous communities in which members share kinship ties and a binding sense of community (see Chapter 3 for detailed explanation).

Thus, in relational contexts, civil wars are often less amenable to Western diplomatic or military approaches to conflict management, which seek to terminate open conflicts without reaching deeper to address the underlying causes or outcomes of damaged relationships (Fisher, 2001; Isser et al., 2009). This notwithstanding, prevailing approaches to peacebuilding have tended to prioritize macro-level interventions that seek to strengthen formal institutions and infrastructures as well as the institutionalization of liberal democracy and free market economics at the expense of relational or person-to-person peacebuilding, which focuses on restoring broken relationships in communities (Autesserre, 2010; Newman, 2011; Paris, 2004).

Current peacebuilding approaches ultimately seek to transform disorderly, failing, or failed states into orderly ones that are able to maintain security and order in their territories (McMullin, 2013; Newman, 2011). As noted earlier, most civil wars occur in the context of eroded state capacity, which manifests in the loss of state monopoly on legitimate violence. In the ensuing security vacuum, the state's protective function exists only in name, as it is neither able to maintain law and order nor protect its citizens (Aning, 1999; Kaldor, 2012; Snow, 1996). Furthermore, the state sometimes figures as a source of threat to the security of its citizens, particularly during civil wars (see Chapter 2). These wars, which occur primarily within states, are fought between a state and a multiplicity of sub-state actors. Often trapped in them are unarmed civilians who are subjected to extreme atrocities by the combatants. As a result, contemporary civil wars (unlike interstate conflicts) are characterized by a preponderance of civilian casualties vis-à-vis those of the combatants (Carnegie Commission on Preventing Deadly Conflict, 1997; European Union Institute for Security Studies, 2003; Greenberg & Boorstin, 2001; Paris, 2004; UNDP, 2002).

In World War I, for example, 90% of those killed were soldiers; in the 1990s, by contrast, civilian deaths accounted for about 90% of all those killed in armed conflicts

(Greenberg & Boorstin, 2001; Paris, 2004; UNDP, 2002). While the specific motivations for civilian attacks are multiple and diverse, the literature is unanimous in the view that civilian victimization is widely employed because combatants perceive it as a viable strategy of warfare in “new wars” (Azam & Hoeffler, 2002; Bangura, 1997; Downes, 2008; Fjelde & Hultman, 2014; Joshi and Quinn, 2016; Kaldor, 2007; Kalyvas, 2006; Quinn, 2015; Raleigh, 2012; Snow, 1996). In addition to mass execution, therefore, civilians caught up in conflicts are subjected to wide-ranging human rights violations that include systematic rape, torture, coercive enlistment of both adults and children, and forcible displacement (Paris, 2004). The trauma, fear, hatred, and mistrust that result from these injustices damage relationships and divide communities. Even when civil wars are eventually terminated, the sense of injustice experienced by survivors and the broken relationships that result do not necessarily disappear with peace accords. Rather, the conflicts in relationships persist well beyond the period of active combat and undermine post-conflict peace (Fisher, 2001). Thus, while liberal peacebuilding may be useful in contributing to post-conflict stability, it is not necessarily adequate or suitable for reconciling the divisions and fragmentations in communities wrought by years of injustices and wars.

Indeed, a major challenge that confronts post-conflict states and societies as they make the transition from war to peace is how to address past injustices and reconcile estranged individuals and groups (Mani, 2005; Rigby, 2001; Teitel, 2000). If the injustices experienced by the survivors of atrocities are not addressed, it is unlikely that sustainable peace will be achieved amid existing psychological barriers to reconciliation (Abu-Nimer, 2001; Aning & Jaye, 2011; Estrada-Hollenbeck, 2001; Fisher, 2001; Kuwali, 2012; Mani, 2002, 2005; Perry & Sayndee, 2015). Undoubtedly, as noted earlier, prevailing approaches to peacebuilding either overlook or give insufficient attention to the relational aspects of conflict and peacebuilding (Botes, 2003; Mani, 2005; Newman, 2011).

When relational imperatives are considered, the specific approaches employed in their pursuit often prove inadequate to deliver the kind of justice that can provide a sound basis for reconciliation and the restoration of sound relationships. This inadequacy, or neglect, is evidenced most obviously by the current approaches to transitional justice and ex-combatant reintegration. Liberia represents a classic example of this challenge, and I draw on the Liberian case to show that in the relational context in which most contemporary civil wars occur, the prevailing approaches to transitional justice and reintegration are inadequate to deliver the goals of justice and reconciliation. The theory of relational justice that I develop later in this paper provides a broader structural framework that accommodates the concurrent need for justice and peace after civil war. Within this framework, it is also possible to analyze the operational processes involved in the transformation from a sense of injustice to justice.

As the Liberian case discussed in Chapter 2 clearly shows, justice and reconciliation after civil war are mostly pursued through trials or *truth and reconciliation commissions* (TRCs). However, these approaches come with critical limitations that undercut their capacity to effectively respond to the calls for justice and reconciliation or justice and peace (Mani, 2005; Sooka, 2009; Villa-Vicencio, 2009). Despite the widespread atrocities that accompany civil wars, the institutions of the criminal justice system (the police, the statutory courts of law, and the correction services) often emerge from conflict heavily delegitimized or dysfunctional (Mani, 2005; Republic of Liberia, 2009; Villa-Vicencio, 2009). As a result, the pursuit of criminal prosecution is extremely difficult if not altogether impossible in post-conflict environments (Gienanth & Jaye, 2007; Huyse, 2008; Mani, 2003; Lubkemann et al., 2013).

For example, following the signing of the 2003 Comprehensive Peace Agreement (CPA)², which marked the official end of the 14-year civil war in Liberia, it became apparent that “no court system, whether old or new, will be able to effectively prosecute the thousands of known perpetrators and alleged perpetrators, not including the unknown thousands whose identities are yet to be determined” (Republic of Liberia, 2009, p.1). Among other challenges, there was “the lack or absence of courts, resources, lawyers, penal institutions and police officers, in large parts of the country” (Republic of Liberia, 2009, p. 1). As of January 2006, nearly three years following the termination of the war, “[the] entire prosecution system had only two fully qualified prosecutors available, six of Liberia’s fifteen counties had no prosecutors at all, and several counties did not have any functioning criminal court” (Gienanth & Jaye, 2007, p. 10).

In spite of these challenges, the idea of granting wide-scale amnesty to alleged war criminals appears to run counter to the objective of building sustainable peace (Villa-Vicencio, 2009). Among other reasons, wide-scale amnesty could be interpreted as rewarding impunity by those who were the target of injustices/atrocities. This can motivate “self-help justice” or revenge that can, in turn, trigger further conflict (Huyse, 2008; Pankhurst, 1999). Echoing the views of a segment of Liberian society following the publication of the TRC report in Liberia, Othello Garblah notes that:

[t]urning a blind eye to the scores of rapes, tortures, inhumane deaths and wanton destruction of properties that characterized our politics, under the guise of ‘let bygone-be-bygone’ [*sic*], represents the real threats of relapse to conflict as this could dash the hopes of the many brutalized and broken victims, trigger private revenges and undermine the national healing and reconciliation process. (as cited in Aning & Jaye, 2011, p. 11)

²Comprehensive Peace Agreement between the Government of Liberia (GOL) and the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL) and Political Parties, Accra, Ghana, August 18, 2003.

Even if it were possible to prosecute offenders, there remain critical political impediments, such as the reluctance of armed factions to disarm when faced with imminent criminal accountability (Huyse, 2008; Kuwali, 2012; Sooka, 2009; Villa-Vicencio, 2009; Waldorf, 2009a, 2009b). Thus, even if the logistical challenges to prosecution are addressed, potential criminal prosecution can dissuade combatants and ex-combatants from giving up their arms if they think they may be tried (Villa-Vicencio, 2009; Witte, 2009). For example, during the negotiations between the African National Congress (ANC) and the erstwhile apartheid regime of South Africa, which culminated in the termination of apartheid in 1994, the apartheid National Party (NP) threatened not to relinquish power unless amnesty in the form of granting official pardon to those who perpetrated violence in defense of apartheid was included in the final negotiated deal (Hendricks, 1999).

Also, if combatants or ex-combatants interpret potential prosecution as victors' justice, or "an extension of the conflict by other means," they will be less likely to disarm (Witte, 2009, p. 92). While some Liberians demanded justice following the termination of the Civil War, others held the opinion that any attempt to prosecute the alleged perpetrators of wartime atrocities and economic crimes could undermine the prevailing fragile peace (Aning & Jaye, 2011). Thus, the *Coalition for Peace and Tranquillity* maintained that criminal prosecution in Liberia had the "propensity to foment chaos, derail the already fragile peace process and democracy, threaten the stability of the Liberian state and politically dislodge potential political leaders in Liberia" (as cited in Aning & Jaye, 2011, p. 12).

Given this dilemma, which divided Liberian society into "two great camps" (Aning & Jaye, 2011, p. 10), how should post-conflict societies deal with past atrocities? As the question is frequently posed, should they prioritize peace or justice? (Pankhurst, 1999; Villa-Vicencio, 2009). This question reflects the so-called peace versus justice debate (Keller, 2008; Kuwali, 2012; Moreno-Ocampo, 2007; Sooka, 2009; Villa-Vicencio, 2009; Witte,

2009), or what Keller (2008, p. 12) terms the “false dichotomy of peace versus justice,” which “pit[s] justice as a competitor if not a threat to peace (and vice versa)” (Llewellyn, 2012, p. 293). To some extent, this “logic of silos,”—as Llewellyn (2012) describes it (p. 293)—seems to result from the reductionism inherent in the conceptualization of justice as retribution and the exclusive focus on the agency of the state as the sole legitimate medium for pursuing justice (Mani 2002; Montville, 2001). Moreover, most international initiatives aimed at restoring justice and the rule of law are designed primarily to restore law and order, with the restoration of justice being a “second-order priority” (Mani, 2002, p. 86). While the formal legal system is prioritized, it is within the domain of informal justice, such as the *Palava Hut* system³ in Liberia, that the majority of people in post-conflict societies air their grievances and seek redress; people in communities outside the major cities usually have little recourse to legal justice (Isser et al., 2009; Sandefur & Siddiqi, 2011, 2012). Often, post-conflict societies turn to TRCs as an alternative to prosecutions, as the prevailing political realities usually render trials nearly impossible. TRCs, however, come with a number of critical limitations that hinder their ability to deliver justice and reconcile the divisions between perpetrators who committed wartime atrocities and those who were the target of their abuses.

Understanding the Limits of Truth & Reconciliation Commissions

In view of the challenges associated with criminal prosecution in the aftermath of violent conflicts, it has become a common practice to establish TRCs as an alternative transitional justice measure through which the goals of justice and reconciliation may be achieved. While TRCs, resting on the restorative conception of justice, are able to compensate for some of the weaknesses internal to criminal prosecution or retributive justice,

³ The Palava Hut is an indigenous approach to justice and conflict transformation common to most rural communities in Liberia. As explained in detail later, justice under the Palava Hut differs considerably from statutory justice in the sense that Palava Hut-related justice emphasizes the restoration of sound relationships among parties, rather than merely exacting retribution.

“they do not promote reconciliation” (Waldorf, 2009b, p. 111). TRCs come with critical shortcomings that curtail their capacity to fulfill the basic need of restoring people’s senses of justice and reconnecting broken relationships (Villa-Vicencio, 2009). To be successful at achieving their mandates, a number of preconditions have been identified that TRCs need to meet. Included among these are the following: clear mandates, political support, and commitment to implementing recommendations, sufficient resources, and full access (Hayner, 2002; Mani, 2005). As Mani (2005) laments, however, “it is rare that these preconditions are fully met” in the context of post-conflict realities (p. 517).

Moreover, the current approach to transitional justice, including TRCs, focuses on victims and perpetrators while excluding the overwhelming majority of survivors in communities, regardless of whether or not their participation in TRC processes is necessary (Mamdani, 2000; Mani 2005). Equally fundamental are other sets of issues that have yet to fully engage the attention of students of transitional justice. These revolve around issues of participation, site, authorizing agency and legitimacy, and ownership, as explained in Chapter 3. While the effectiveness of TRCs as transitional justice measures may be hampered by these limitations, there are other post-conflict processes that ignore the relational aspects of peacebuilding altogether, as the current approaches to ex-combatant reintegration amply demonstrates. These limitations illustrate the need for an alternative broader framework, which can accommodate the need for justice, reconciliation, and peace, but which is also sensitive to the particularities of specific communities. The theory of relational justice, which I discuss in subsequent chapters, provides a framework that responds to these challenges. The theory complements and elaborates upon the prevailing approaches relating to justice, reconciliation, and reintegration.

Reintegration Without Integrative Aims

If the TRC, as a transitional measure, has limited value, there are ongoing approaches to peacebuilding that overlook the relational imperatives of conflict and peacebuilding altogether, even though the question of damaged relationships is at the heart of the issues to be addressed. One such approach is the reintegration of ex-combatants—former combatants who have been “discharged from or have voluntarily left the military group” in which they were serving (Nilsson, 2005, p. 14). Reintegration forms part of a multi-pronged process involving the disarmament, demobilization, and reintegration of ex-combatants (DDR).

The process of disarming, demobilizing, and reintegrating ex-combatants into civilian life has, since the end of the Cold War, featured as an integral part of United Nations (UN)-mandated peace operations. Underlying these endeavours is the assumption that effective DDR processes can help reduce the risk of conflict relapse in post-conflict states (Schulhofer-Wohl & Sambanis, 2010; United Nations, 2000a, 2000b, 2000c, 2001, 2006b, 2010; UNDPKO, 1999). This risk reduction, it is maintained, can happen when ex-combatants are equipped with the capacity for “‘legitimate livelihood, that is, if they are . . . ‘reintegrated’ into the local economy” following their disarmament and demobilization (United Nations, 2000b, para 42). In fact, the reintegration of ex-combatants has been particularly singled out as “the ultimate objective of disarmament, demobilization and reintegration programmes” (United Nations, 2006a, para. 49), if for no other reason than to avoid the failure of reintegration processes that can undermine gains made in disarming and demobilizing ex-combatants.

Current approaches to reintegration rest on a threat logic which stresses the role of ex-combatants as “potential ‘spoilers’ of peace” (Waldorf, 2009a, p. 20), spoilers being actors who perceive the emergent peace as opposed to their interests and hence willing to undermine it by resorting to violence (Stedman, 1997, p. 5). As spoilers, “dissatisfied former combatants

often become a security threat” (Nilsson, 2005, p. 14), particularly when they are unemployed. In other words, ex-combatant unemployment is perceived as threatening (McMullin, 2013). As such, if ex-combatants are not equipped with the capacity for “sustainable employment and income” that gives them a stake in the emergent economic order and raises their opportunity cost of participating in conflict, they may revert to a life of violence and banditry and truncate the fledgling peace (Nilsson, 2005; Schulhofer-Wohl & Sambanis, 2010; Waldorf, 2009a, 2009b; United Nation, 2006, para. 27).

Guided by this threat logic, UN-sponsored reintegration programs have focused predominantly on income-generation-related activities intended to provide ex-combatants with viable alternative livelihoods (Schulhofer-Wohl & Sambanis, 2010; United Nations, 2010). With hardly any exceptions, UN-sponsored reintegration processes emphasize economic reintegration while paying little or no attention to the prevailing relationships between ex-combatants and the survivors or the communities absorbing the ex-combatants. By so doing, the UN downgrades the goals of reintegration from the integration or reconciliation of communities with ex-combatants to the mitigation of ex-combatant-driven threats (McMullin, 2013). That reintegration is essential to minimizing the threat posed by ex-combatants to post-conflict security seems incontrovertible. Economic reintegration may be useful for obvious reasons when supporting the termination of ex-combatants’ alliances and dependence on militia networks. What is often less recognized, however, is that reintegration is, above all, a relational process (Warnecke & Franke, 2011), given its integrative essence and “its interactive nature that places primacy on *relationships* with other actors” (Kaplan & Nussio, 2015, p. 2, emphasis in original).

A major contention of this study is that reintegration is primarily a relational process and that economic reintegration does not suffice to deliver the goals of reintegration, including its integrative essence. The integrative goals of reintegration necessitate the

restoration of justice and broken relationships between ex-combatants and those who were the target of wartime atrocities, or the broader community absorbing returning ex-combatants. The preoccupation with the potential threats posed by ex-combatants and the portrayal of reintegration as lacking an integrative value beyond immediate security objectives drains the process of its integrative essence (McMullin, 2013). While reintegration involves political and economic imperatives (Torjesen, 2013), it is quintessentially a social or relational process. Given the magnitude of atrocities often committed by or attributed to ex-combatants, it is unlikely that they will be accorded positive reception and welcomed by survivors when they seek to return to their communities of origin, just by virtue of the income and livelihood skills they acquire (Gilligan et al., 2012; Humphreys & Weinstein, 2007; Kaplan & Nussio, 2015; Podder, 2012). Livelihood and income viability may be useful, but they cannot wholly suffice to bring reintegration about.

On the contrary, the prioritization of ex-combatant employment and income at the expense of the justice demands of survivors may result in renewed victimization of war survivors, thereby creating resentment towards ex-combatants and deepening the level of animosity between them and the broader community (Jennings, 2007; Kaplan & Nussio, 2015; Shaw, 2010). The potential harm of the preferential treatment accorded ex-combatants is stressed by the UN in its 2006 Integrated Disarmament, Demobilization and Reintegration Standards (IDDRS). In that document, the UN states that “offering special treatment to ex-combatants may cause resentment among other groups who may view special or unique benefits to ex-combatants as an unjustified reward to the perpetrators of conflict” and atrocities (United Nations, 2006, p. 6).

Community resentment of the special treatment received by ex-combatants can complicate the processes of reconciliation, reintegration, and sustainable peacebuilding. In other words, the tendency of privileging the employment/income-related concerns of ex-

combatants over past injustices can prove counterproductive not only because it has the potential to undermine the basis for reintegration, but also because it can contribute to the creation of the conditions that make conflict relapses more likely. This has been evident in many post-conflict countries, including Liberia (Amnesty International, 2007; Solomon & Ginifer, 2008; Republic of Liberia, 2009).

As part of their reintegration, ex-combatants in Liberia were given reintegration support packages, which included settlement allowances and opportunities for education and skills training (Republic of Liberia, 2009). This support, however, infuriated a segment of the Liberian population, who felt that “the ex-combatants were rewarded rather than punished for committing widespread atrocities against them . . . [leading to] resounding calls for justice” (Republic of Liberia, 2009, p. 1). The payments made to the “ex-combatants were also seen by many civilians as a reward to those who took up arms, causing resentment against demobilized children rather than an openness to welcome them back” (Republic of Liberia, 2009, p. 72). Perceiving the reintegration packages as unjust rewards to the ex-combatants, some of the survivors threatened to retaliate if the alleged perpetrators of atrocities were not made to face justice (Amnesty International, 2007). In such contexts, the danger of war survivors exacting private revenge remains a potential threat to lasting peace. Thus, the neglect of the justice and integrative aims of reintegration remain major drawbacks. The limitations inherent in prevailing approaches to peacebuilding hinder their effectiveness in terms of delivering the goals of justice and reconciliation. In Liberia, following the signing of the 2003 CPA, a range of peacebuilding measures were implemented that included the reintegration of ex-combatants and the establishment of a TRC. The failure of these processes to reconcile the divisions in Liberian society led the TRC to recommend the Palava Hut as an alternative avenue for justice, accountability, and reconciliation in Liberia.

The Call for the Palava Hut

Recognizing the potential implications of unaddressed injustices, and acknowledging its own limitations in terms of ensuring justice and reconciliation, the Liberia TRC—which was established to address issues of impunity and to promote reconciliation in Liberia⁴—recommended the establishment of Palava Huts across the country to serve as forums for justice and help “restore broken relationships at the community and national levels” (Republic of Liberia, 2009, p. 2). The Commission specified the names of some 6,000 persons, mostly ex-combatants, to appear before the national Palava Hut when it was established (Republic of Liberia, 2009), and mandated the Independent National Commission on Human Rights (INCHR) of Liberia to ensure the implementation of the process.

Although their objectives were essentially the same—to restore justice and reconcile parties/antagonists—the national Palava Hut forums that the TRC called for differed somewhat from the prevailing traditional Palava Huts that were already in existence in homogeneous rural or relational communities. The traditional Palava Hut is common in rural Liberia, but not in the country’s non-relational urban communities. For example, unlike the traditional Palava Hut, which has presiding or convening members, it is unclear who will constitute the panel of the national Palava Hut forums when established. The overwhelming majority of Liberians perceive the establishment of the national Palava Hut process as a must in order to help overcome the divisions and fragmentations in communities (Jaye & Bloh, 2015). Nonetheless, the idea of the Palava Hut as either a transitional justice measure or an approach to the reintegration of ex-combatants comes with a number of challenges, not least the fact that the Palava Hut has evolved as an indigenous process practiced among close-knit homogeneous rural communities or relational communities whose members share a common sense of identity/kinship, language, religion, norms, and values. In relational communities,

⁴ See Article XIII of the Accra CPA of 2003.

people place a strong emphasis on the values of collectivism, rather than individualism, manifesting in a strong and binding sense of community.

The 19th-century German sociologist, Ferdinand Tönnies (1855-1936), in his book *Gemeinschaft und Gesellschaft* (first published in 1887), labels such communities as *Gemeinschaft* (community), distinguished from *Gesellschaft* (society). *Gesellschaft* is, in this study, understood as a non-relational community characterized by a weak sense of belongingness, as the coexisting members are largely independent of each other, basing what sense of relationship they share on common goals, traits, or other phenomena rather than shared intimate identities or feelings. A third typology of social ties/arrangements exists at the interface between relational and non-relational communities. I call this type of relational ties “quasi-relational communities,” in recognition of the fact that such an arrangement is partly relational and partly non-relational. Relational, non-relational, and quasi-relational communities are discussed in detail in Chapter 3.

Overlooking the Relational Justice Aims of Reintegration

Although ex-combatants are frequently cited as major perpetrators of wartime abuses, concerns of injustices experienced by survivors are either neglected altogether, or remain at best a secondary consideration of reintegration (Ozerdem, 2012). While economic reintegration may be useful, at least in reducing the dependence of ex-combatants on militia networks, empirical evidence suggests that livelihood and income viability cannot wholly suffice to bring reintegration about (Humphreys & Weinstein, 2007; Podder, 2012). On the contrary, the privileging of the economic concerns of ex-combatants at the expense of the justice concerns of war survivors not only appears to reward impunity, but it also results in renewed victimization of survivors in ways that can impede the sustainability of peace. Based on the model of relational justice developed in this study, this research proposes a more comprehensive and sustainable approach to reconciliation through a focus on relational

justice. Reconciliation refers to the “process through which a society moves from a divided past to a shared future” (Bloomfield, et al., 2003, p. 12).

While the restoration of justice and broken relationships is critical in the aftermath of civil war, the current approaches to peacebuilding and transitional justice are too narrow to accommodate and deliver the kind of justice that can establish a sound basis for reconciling the divisions and fragmentations that wartime injustices create. When the issue of justice is considered, the focus is usually on retributive justice. The prioritization of criminal prosecution by external/international (donor) agency, however, leads to peace and justice being cast into a binary frame of mutual exclusivity, where the pursuit of one automatically forecloses the achievement of the other. Moreover, the dominant statutory or retributive justice disregards the relational aspects of justice, as well as the informal/indigenous processes through which they are delivered. This is unhelpful not only because it is through indigenous forums such as the Palava Hut that the overwhelming majority of the people in Liberia seek and obtain justice, but also because it is the relational dimension of justice that is emphasized by them (Isser et al., 2009; Sandefur & Siddiqi, 2011).

Limitations of the National Palava Hut Approach to Justice and Reintegration

Given the challenges associated with transitional justice, and given the centrality of relational justice in reintegration, the official adoption of the Palava Hut process in Liberia was important. However, the idea of the Palava Hut as a potential instrument of reintegration raises a number of fundamental concerns, particularly the fact that the Palava Hut has evolved as an indigenous process practiced among close-knit homogeneous rural or relational communities (James-Allen, 2010; Pajibo, 2008). While the Palava Hut is mainly practiced in relational communities, it is the non-relational urban communities that host the majority of ex-combatants. It is, therefore, crucial to examine the extent to which Palava Hut-type processes can serve real and perceived justice in non-relational urban communities.

Moreover, as there are no prior instances of the Palava Hut process being applied to war-related atrocities, it is unclear how the process will work to address egregious violations of human rights, or how the various Palava Hut forums can be homogenized due to variations in the procedures of the Palava Hut among various ethnic groups in Liberia.

Other charges leveled against the Palava Hut include the fact that women and the youth are not included in Palava Hut decision-making processes in some Liberian communities. Consequently, the process is seen as undemocratic and discriminatory (Jaye & Bloh, 2015). Also, the Palava Hut has been cited as a source of human rights abuses, particularly in communities where sanctions involve a temporal banishment from one's community or where trial by ordeal is still practiced. There is a dearth of scholarly work that explains either how these challenges can be addressed or how the Palava Hut can be made an effective process to support ex-combatant reintegration.

Questions Arising

As noted above, the Palava Hut is common in homogeneous relational rural communities in Liberia, where it has evolved as an effective tool for conflict transformation. However, its utility for effective reconciliation and reintegration of ex-combatants in non-relational urban communities, such as Monrovia, to where the majority of ex-combatants return, has not been established. This raises the immediate and central question: Can the Palava Hut process work to address war-related crimes in both relational and non-relational communities in Liberia? This question in turn suggests the following sub questions:

1. How do (war) survivors' experiences with and perceptions of justice/injustice influence the type of reception accorded to returning ex-combatants?
2. How do communities practicing the Palava Hut address broken relationships and restore justice?

3. How can the Palava Hut justice approach contribute to the reintegration of ex-combatants?

Other more specific questions include the following:

- a. How does the Palava Hut process work to address disputes in relational communities?
- b. How do people who have experienced the workings of the Palava Hut perceive its utility as a justice and conflict transformation mechanism?
- c. Which challenges are likely to be encountered in establishing the Palava Hut in non-relational communities, and how can they be addressed?

Goal of the Research

The overarching goal of this study is to build a relational theory of justice, based mainly on insights from the Palava Hut process (and to an extent the theory of conflict transformation). Relational justice is a broader framework that accommodates and explains how the current need for justice and peace can be fulfilled at the same time. By examining justice and reintegration within the broader discourses of peacebuilding, the study seeks to understand how the aims of reintegration and post-conflict peace can be fulfilled more effectively. The research demonstrates how the inclusion of a relational concept of justice in the study and the practice of reintegration can potentially contribute towards overcoming critical gaps in transitional justice and reintegration, as currently pursued.

Significance of the Study

A major significance of this study lies in the contribution it makes towards reconciling the dilemma of peace versus justice, which confronts post-conflict states. The theory of relational justice that I advance projects justice and peace as “two sides of the same coin.” The study, therefore, departs from the current unidirectional approach to a bidirectional approach to reintegration, focusing on both institutional and relational

dimensions of peacebuilding. The relational approach to justice, which is the focus of this study, broadens the options for seeking justice after civil war. Understanding how peace and justice can be achieved concurrently is more than an academic exercise, however; it has significant policy relevance as well. The study, therefore, contributes to theory, policy, and practice. It also responds to the challenges being faced by the INCHR in Liberia in its attempt to implement the national Palava Hut process.

Scope of the Study

The study focuses primarily on understanding how the Palava Hut process works to address conflict and restore justice and reconciliation, and how the process can contribute to the reintegration of ex-combatants in Liberia. Data for the study was collected solely in Liberia from multiple sites—relational, quasi-relational, and non-relational communities—in Monrovia and Gbojay.

Organization of the Study

The dissertation has seven chapters. Following this introductory chapter, I discuss the Liberian case—including the nature of the Liberia state, the civil war, and its aftermath—as a background to the study in Chapter 2. I then review the relevant literature, focusing on key theoretical and conceptual underpinnings, in Chapter 3. In Chapter 4, I explain the methodological approaches employed in the study. Chapter 5 focuses on data analysis, while Chapter 6 presents and discusses the main findings of the research. Chapter 7, the concluding chapter, offers useful recommendations for improving the thinking and practice of reintegration, as well as the implementation of the Palava Hut in non-relational communities. It highlights the limitations of the study and also offers suggestions for future research.

Summary

In this introductory chapter, I have explained that contemporary civil wars occur in the context of deflated state capacity and relational contexts. Although the dynamics of the relational context bear directly on the outcomes of conflict and peacebuilding, the issue of relationships is overlooked in prevailing approaches to peacebuilding. Macro-level reforms that seek to rebuild formal institutions and infrastructures are prioritized at the expense of micro-level peacebuilding involving relational justice. Drawing on the TRC and reintegration processes in Liberia, I set the stage for a detailed discussion of the limitations of ongoing approaches to peacebuilding, while highlighting the value of relational justice as a comprehensive and sustainable approach to peacebuilding. I also explained the purpose, significance, and the central questions of this research.

Chapter 2

LIBERIA: THE SEARCH FOR JUSTICE AND PEACE AFTER CIVIL WAR

“The issue of the state in Africa lies somewhere in each of the conflicts in which the UN has been called to intervene, whatever their specific origins or outcomes.”
(Macqueen, 2002, p. 17)

The Liberian State, the Civil War, and its Outcomes

In October 1991, leaders and representatives of eleven West Africa states convened in the Ivorian city of Yamoussoukro. Also present was Dr. Amos Sawyer, who served as President of the Interim Government of National Unity in Liberia (IGNU) from November 1990 through March 1994, as well as Mr. Charles Taylor, the leader of the National Patriotic Front of Liberia (NPFL) armed group. The leaders had met under the auspices of the Economic Community of West African States (ECOWAS)⁵ to find a political settlement to the civil war then underway in the Republic of Liberia (ROL). The civil war, which was triggered by violent contestations for access to the political center, had its roots in the country’s political history, identity politics, political exclusion and marginalization, economic mismanagement, military interventionism and authoritarian rule, poor natural resource governance, and the privileging of regime security over human security, among other factors (Adebajo, 2002; Aning, 1999; Clapham, 1994; Jaye, 2003a; 2009; Jaye & Bloh, 2015). Although the sources of the conflict were numerous and diverse, it was the nature of the Liberian state and its internal dynamics that appeared to be at the heart of the challenges encountered.

⁵ The following are the fifteen member-states of the ECOWAS: Benin, Burkina Faso, Cape Verde, Cote d'Ivoire, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo.

The Nature of the Liberian State

The West African state of Liberia is one of Africa's oldest republics, second only to Ethiopia, which was really never colonized. The country is located along the Atlantic Ocean and shares borders with Sierra Leone, Guinea, and Cote d'Ivoire. The ROL, with an estimated population of 4,299,944 as of July 2016,⁶ was established in 1847 by resettled freed slaves from the Americas. Upon arrival in 1822 until independence on July 26, 1847, the manumitted slaves, popularly called settlers, were governed by the American Colonization Society (ACS) (Jaye, 2003a; Jaye & Bloh, 2015; Sawyer, 1992). Representing 5% of the Liberian population, the settlers comprise 2.5% Americo-Liberians and 2.5% Congo people (Perry & Sayndee, 2015, p. 1). The Americo-Liberians are the descendants of former slaves from the United States, while the Congo people are the descendants of Caribbean slaves (Perry & Sayndee, 2015), as well as the people who were freed while en route to slavery (Kieh, 2009). Indigenous Africans, or the original inhabitants of the area, constitute the remaining 95% of the population.

Liberia was the product of the "repatriation project," or the resettlement of manumitted Black slaves from the United States to West Africa (Liberia and Sierra Leone) following the abolition of slavery. The repatriation project was seen as a potential solution to the many problems freed Black slaves faced, or the potential threats they were perceived to pose, after their manumission in slavocratic societies (Kieh, 2009; Levitt, 2006; Sawyer, 1992). Key among these challenges was the failure to accept liberated slaves as full citizens of the United States. According to Sawyer (1992), the emancipated Blacks were generally believed to be inferior to Whites. As such, their incorporation into the American social fabric was considered a "danger to the European heritage of American civilization" (p. 19). Moreover, due to the ill treatment meted out to the slaves, liberated slaves were believed to

⁶See the Central Intelligence Agency's *World Factbook* on Liberia, retrieved from <https://www.cia.gov/library/publications/the-world-factbook/geos/li.html>

harbour deep animosity against Whites, so that their incorporation into the American body politic was considered “an invitation to revenge” (Sawyer, 1992, p. 19).

While the decision was, therefore, taken to resettle them in Africa, their ancestral land, the prospective emigrants were not involved in designing the architecture of what was to become their new home. Not only were they mostly illiterate or semi-literate, but they, just like the ACS, also had virtually no knowledge of the peoples and politics of the part of West Africa in which they were to be resettled (Jaye, 2003a). However, the exposure to Western cultures inculcated in the settler—what Levitt (2006) terms a “[W]estern orientation” (p. 508)—implied that the freed slaves were culturally distinct from the indigenous Africans in outlook and orientation, and were for all intents and purposes essentially American rather than African.

In addition to the fact that they spoke English as their mother tongue and practiced Christianity and monogamy (which the indigenous Africans did not), the settlers retained a strong sentimental attachment to the United States, “which they regarded as their ‘native land’” (Akpan, 1973, p. 219). Moreover, their institutional arrangements were modeled after those of the United States. Thus, in spite of their color, as Black people of African descent, the settlers were as “foreign, and lacking in sentimental attachment to Africa as were European colonialists elsewhere in Africa like the British, the French, the Portuguese, and the Spaniards (Akpan, 1973, p. 219).

These differences in cultural orientation created in the minds of the settlers the belief that they were more “civilized,” and superior to the indigenous people (Kieh, 2009). They, thereby, arrogated to themselves the responsibility to “civilise and Christianise” the indigenous Africans (Jaye, 2003a; Sawyer, 1992). Inspired by this false sense of intellectual and cultural superiority, the minority settlers foisted themselves—politically speaking, of course, with the support of the ACS—on the indigenous Africans, establishing an “Americo-

Liberian oligarchy” (Akpan, 1973, p. 218), which essentially marginalized, “excluded and oppressed” the indigenous peoples following the departure of the ACS (Adekeye, 2002, p. 601). Some of the most dramatic expressions of this imposition included the adoption of national symbols, which reflected the historical experiences of the Americo-Liberian stock, but which had literally no bearing on the indigenous people and their culture (Jaye, 2003a).

Other examples of this exclusion include the designated name of the country, “Liberia,” meaning “land of the freed,” as well as the country’s national motto, which reads, “The Love of Liberty Brought Us Here.” Such was the marginalization of the indigenous people that under the incipient constitution, indigenous people could only become subjects, as citizenship was restricted to only settlers and their descendants (Kieh, 2009). Although granted civil rights, they were denied political rights, which limited their participation in the political affairs of the state (Jaye, 2003a). Another source of conflict between the settlers and the indigenous people was the issue of property ownership in land, which was introduced by the settlers (Akpan, 1973). While the settlers held land individually, land was communally owned by the indigenous people. Furthermore, private ownership of land was not only alien to the indigenous people’s way of life; it also actually ran afoul of deeply held values in traditional communities (Fahey, 1971; Jaye, 2003a; Murphy, 1980; Sawyer, 1992).

The external source of the Liberian state meant that it was born lacking legitimacy, at least in the eyes of the dominated majority. A major source of this state legitimacy deficit in Liberia, at least prior to the civil war, drawing on insights from Englebert (2000), stemmed from the fact that the Liberian state essentially emerged as an exogenous edifice superimposed over pre-existing political structures and institutions. While the external state was imposed on prior existing polities, it failed to assimilate what Jaye and Bloh (2015) term the “traditional institutions of governance”; nor did the traditional “state” appear willing to dovetail and morph completely into the modern state (p. 11). This modern-traditional state

tension resulted in, to borrow Englebert's (2002) phrase, "clashing and mismatched institutions" that manifested in Liberia's dual system of administration, including justice administration (Jaye & Bloh, 2015).

Moreover, although the Liberian state has juridical or "negative sovereignty" in that it is accorded international recognition as a sovereign and independent state, it is, like many of its counterparts on the African continent, largely a quasi-state in the sense that it does not meet the conditions for empirical statehood or positive sovereignty (Clapham, 1996; Jackson, 1990). Quasi-states, such as pre-war Liberia, are unable to exercise effective authority or monopoly over the use of coercion within their jurisdiction (positive sovereignty). They are neither able to effectively address political difference arising within their states nor protect the basic rights of their citizens. As Jaye and Bloh (2015) observe, "the Liberian state has never been the classic Weberian state; it had no monopoly over the use of violence nor did it really control the territory it claimed" (p. 11). Aside from its inability to penetrate deeply enough, the agent or government of the state invariably felt insecure and was, therefore, preoccupied with regime survival. In other words, the ruling elites prioritized the security of their regimes over and above the security of citizens. In Liberia, the question of settler dominance in particular sewed the seed of social cleavage in society, pushing the country to the brink of civil war. Although attempts were made particularly during the presidencies of William Tubman and William Tolbert to integrate and unify the country, such efforts proved "too little, too late" (Adebajo, 2002, p. 601).

Towards Civil War

In January 1944, William Tubman became President of Liberia. During the Tubman era, which lasted from 1944 until 1971, reforms were instituted that sought to integrate the indigenous people into the Liberian polity. This was necessary to ease the tension between the Americo-Liberians and the indigenous people (Jaye, 2003a). Among other things, the

right to vote was extended to the indigenous Liberians, just as their representation in the legislative arm of government was increased, not only to end the system of indirect rule, but also to ensure “the incorporation of the hinterland into the Liberian body politic” (Jaye, 2003a, p. 73). Furthermore, Tubman expanded educational and job opportunities for the indigenous Liberians, and he improved healthcare services.

While Tubman was relatively sympathetic to the cause of the indigenous people, his reforms proved ineffectual, as he remained largely undemocratic, presiding over a repressive one-party state that failed to achieve any meaningful sense of inclusionary nationalism (Jaye, 2003a; Kieh, 2009). Corruption and patronage were commonplace, just as human rights violations both within the indigenous and settler communities were rife. Although his era saw relative improvements in the economic and political fortunes of the indigenous people, key economic and political positions remained in the grip of the Americo-Liberian elites, implying that the issue of settler dominance remained unaddressed.

Following his death in 1971, Tubman was succeeded by William Tolbert (1971-1980), who had served as vice president for 19 years. Unlike his predecessor, who enjoyed a relative economic boom, Tolbert’s rule coincided with the 1973 oil crisis, which adversely impacted the economy and further accentuated the gap between the few rich and the majority poor. As Kieh (2009) notes, for example, “the members of the ruling class, who comprised about 4% of the national population, owned about 60% of the national wealth” (p. 79). Similarly, the annual income of the urban minority was estimated at \$600, while the majority of “country people” earned just about \$70. Like his predecessor, Tolbert was “corrupt and practised nepotism” (Jaye, 2003a, p. 82).

Tolbert was also accused of serious violations of human rights. For example, on April 14, 1979, state police and security personnel shot and killed about 100 citizens and wounded 500 others, including students, market women, and workers, who were protesting a proposed

increment in the price of rice, the country's staple food (Jaye, 2003a; Kieh, 2009). This was accompanied by the arbitrary arrests and detentions of dissenting voices by a repressive state security apparatus. While the opposition forces—particularly the Movement for Justice in Africa (MOJA), and the Progressive Alliance of Liberia (PAL)—explored peaceful and democratic solutions to the political challenges in the country, Master-Sergeant Samuel Doe, an indigenous Liberian soldier from the Krahn ethnic group, led a bloody coup d'état on April 12, 1980. President Tolbert was assassinated and his regime overthrown. The takeover removed the True Whig Party (TWP), which symbolized the Americo-Liberian oligarchy, from power, marking the accession to power of indigenous Liberians for the first time in the 133-year history of the Liberian state (Levitt, 2006).

Although Doe's accession to power ended the succession of settler domination in Liberia, it did not result in a fundamental transformation or reordering of the Liberian state in any noble manner. On the contrary, it marked the beginning of severe political upheavals and turmoil, which were to last well over two decades. Upon assumption of power, the regime promised to build a society to promote justice, fair treatment, dignity, and equal opportunities for all Liberians; however, it did exactly the opposite (Jaye, 2003a). The Doe era (1980-1990) was characterized by "widespread corruption and the assassination and jailing of political opponents, while the economy spiralled towards the brink of insolvency" (Adekeye, 2002, p. 601). In the 1980s, arbitrary attacks and violence targeted at civilians became rampant, while the military cracked down on the media (Adekeye, 2002; Sesay, 1996). For example, on August 22, 1984, armed soldiers raped, injured, and killed several persons on the campus of the University of Liberia who were staging a peaceful protest over the arrest of Amos Sawyer, then Dean of the College of Humanities and Social Sciences, and George Kieh, a university lecturer (Kieh, 2009). Thus, the state became the main source of threat to the security of its citizens.

Moreover, as noted earlier, the Doe regime was nepotistic and divisive. From the very outset, Doe appointed members of his Krahn ethnic group⁷ as well as his favoured Mandingo people who supported his regime to strategic positions in the cabinet and army, while he publicly executed many officials of the Tolbert administration (Adekeye, 2002; Jaye, 2003a; Levitt, 2006; Sesay, 1996). He also executed his Vice Head of State, Thomas Weh-Syen, and four government officials on August 14, 1982 for allegedly plotting to overthrow his regime. On November 12, 1985, Brigadier General Quiwonkpa, a Gio from the Nimba County (see figure 2.1 below) and former Commanding General of the Armed Forces of Liberia (AFL), led an abortive coup against the Doe regime.

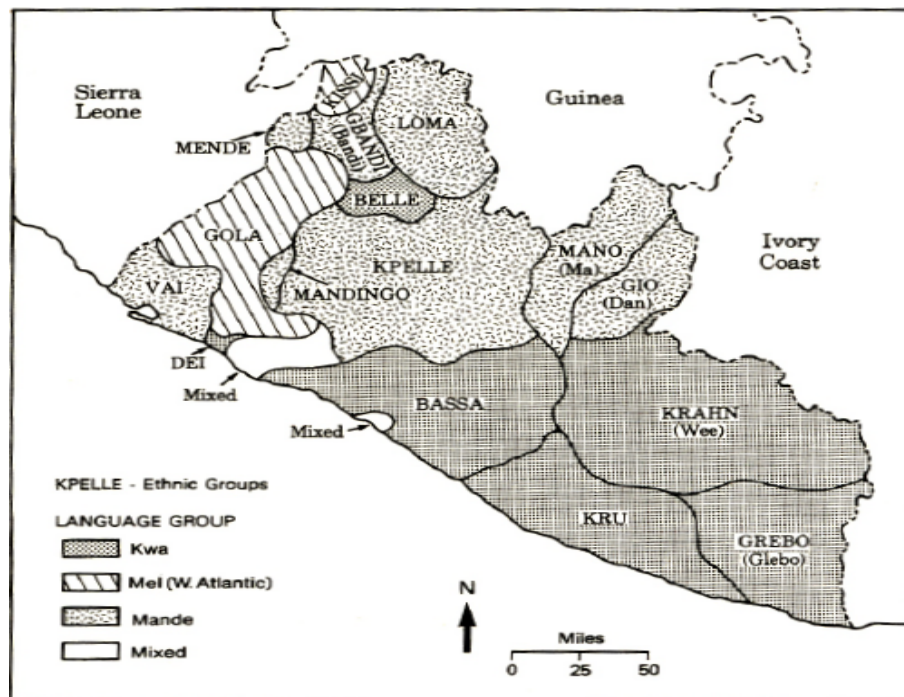


Figure 2.1. Distribution of Major Liberian Ethnic Groups. From *The Emergence of Autocracy in Liberia: Tragedy and Challenges*, by A. Sawyer, 1992, p. xvii. Adapted from *Liberia: The Quest for Democracy*, by J. Liebenow. Reprinted with permission of J. Gus Liebenow and Indiana University Press.

Doe's regime executed Quiwonkpa and purged the army of Gios (Sesay, 1996). He further unleashed his "Krahn-dominated soldiers who went on a rampage in Nimba County,

⁷ The Krahn constituted about 5% of Liberia's pre-war population (Adekeye, 2002).

burning villages and discriminately killing a reported 3,000 Gios and Manos” (Adekeye, 2002, p. 601). The Gios and Manos were later to back Charles Taylor, an Americo-Liberian, when he launched an all-out insurgency against the Doe regime. As Jaye (2003a) observes, “the ethnic dimension in the Liberian conflict can be traced to the above incidents” (p. 93).

The impact of Doe’s ethnic-based politics went beyond the political domain, however. By filling key economic positions with ethnic loyalists, Doe denied access by his regime to the most talented and qualified professionals in Liberia; some of the professionals, including Ellen Johnson Sirleaf, who later became President of Liberia in 2006, were actually forced into exile. The rampant corruption, favoritism, and general mismanagement that characterized the Doe era meant that the “coup leaders became wealthy overnight....[while] government employees were forced to go for months at a time without pay” (Jaye, 2003a, p. 95). By the end of the 1980s, according to Kieh (2009), only 35% of the population had access to health care, while over 50% lacked access to safe drinking water. It was against this backdrop of economic and political mismanagement, basic human rights violations, as well as the manipulation of ethnicity and its concomitant relational cleavages that the Liberian Civil War erupted. It is significant to note, however, that the Doe era provided only the proximate sources of the civil war. The roots of the conflict could be traced to the 133 years of settler domination and the fractious relational conditions it spawned (Sesay, 1996).

The Civil War and Its Outcomes

The internecine civil war in Liberia erupted on December 24, 1989, when Charles Taylor (Doe’s former Director of the General Services Agency)⁸ and his NPFL fighters invaded the country from Côte d'Ivoire, seeking to topple Doe’s regime.⁹ To prosecute this agenda, Mr. Taylor rallied support among disaffected Gio and Mano (Adebajo, 2002) from

⁸ The General Services Agency was the government agency in charge of procurement.

⁹ Taylor had escaped from prison in Boston, Massachusetts, where he was awaiting extradition to Liberia for allegedly embezzling \$900, 000 while serving as Doe’s Director of General Services Agency (Adebajo, 2002; Jaye, 2003a).

the Nimba County. The government responded to the invasion by deploying the Krahn-dominated AFL to the Nimba County, which was home to the NPFL fighters (Sesay, 1996). As a counter-insurgency strategy, the army attacked and subjected the Gio and Mano populations to extreme atrocities. This strategy, however, alienated the people who had earlier in 1985 been brutalized by the same army following the failed coup attempt by General Quiwonkpa, himself a Gio. As a result, Gio and Mano men and youth—some of whom were orphaned children—overwhelmingly joined the NPFL seeking to protect themselves and “to avenge the merciless killing and repression perpetrated against them by the Doe regime” (Jaye, 2003a, p. 113).

In pursuit of this objective, as well as the broader NPFL goal of removing the Doe regime from power, the combatants settled ethnic scores as they attacked and killed Krahn and Mandingo civilians (Adebajo, 2002; Sesay, 1996). The Mandingos were perceived as enemies of the Gio and Mano due to their “dubious reputation as supporters of the Doe regime” (Sesay, 1996, p. 37). In turn, the Krahn-dominated army attacked and victimized Gios and Manos; they “burnt villages, raped women and killed indiscriminately” (Jaye, 2003a, p. 121). These ethnic dimensions of the conflict should, however, not lead to the misinterpretation of the war as an ethnic-based conflict in the same sense that the 1994 Rwandan genocide fought between Hutus and Tutsis was; it was more complex than that.

To begin with, there were many war casualties that were neither Gio nor Mano, nor were they Krahn or Mandingo. Moreover, the leadership of the NPFL included Americo-Liberians just as it involved Lormas and Bassas, and the rebel fighters included exiled Liberians and opposition elements of varying ethnic backgrounds. In addition to Gios and Manos, the NPFL also recruited fighters from Liberia’s “unemployed, young children and the underclass” who were ethnically crosscutting (Jaye, 2003a, p. 114). According to Jaye (2003a), some of these fighters, who were “petty thieves and other criminals . . . surviving on

cannabis and other kinds of drug” joined the NPFL because they were promised money, jobs and other rewards, “including the opportunity to loot and harass civilians in order to survive” (p. 114). As such, it was not uncommon for this type of fighter to indiscriminately attack and victimize civilians of any ethnic background, including members of their own communities. As noted in Chapter 1, the victimization of civilians is a major strategy of contemporary civil war.

As the war in Liberia progressed, it become fragmented and protracted as a multiplicity of armed factions battled for control over the political centre (Aning & Jaye, 2011; Jaye, 2009; Sesay, 1996). In July 1990, Prince Johnson, a leading member of the NPFL, broke away due to internal power struggles and formed the Independent National Patriotic Front of Liberia (INPFL) (Adebajo, 2002; Jaye, 2003a; Levitt, 2006). The Johnson-led INPFL later captured and killed Doe in September 1990. Doe’s death did not bring the war to an end, however. Rather, it created a power vacuum in which new rebel factions emerged, further complicating the war. At least eight armed factions¹⁰ were involved in the 14-year war, including the AFL and the NPFL (Adebajo, 2002; Aning & Jaye, 2011), all of them committing extreme violations of human rights and international humanitarian law, including rape, extra-judicial killings, and forced displacements (Aning & Jaye: 2011; Jaye, 2003a; UNHCR, 2012).

Indeed, the nature of the human rights violations perpetrated against the Liberian people “included the massive killing of civilians, widespread rape and sexual violence” (Jaye, 2009, p. 4). Ben Fenton, a journalist then working for the *Daily Telegraph*, described the horrors of the war in the following terms: “Children ate grass, naked bodies were lying injured at every corner, mothers were hopelessly trying suckle babies from dry breasts, and

¹⁰ These included the National Patriotic Front of Liberia; the Independent National Patriotic Front of Liberia; the Liberia Peace Council (LPC); the United Liberation Movement for Democracy and Justice (ULIMO-J), ULIMO-K; Lofa Defence Force (LDF); the Liberians United for Reconciliation and Democracy (LURD); Movement for Democracy in Liberia (MODEL); and the Armed Forces of Liberia.

fat bellied dogs roamed the streets with human limbs in their mouths” (as cited in Jaye, 2003a, p. 122). According to the Office of the United Nations High Commissioner for Refugees (UNHCR), the war resulted in the death of 250,000 people, while some 750,000 were displaced either in Liberia or forced to flee as refugees to such neighbouring countries as La Cote d’Ivoire, Ghana, and Sierra Leone (UNHCR, 2012, para. 3).

The violence and brutality that typified the civil war occurred within the context of a collapsed political system, where the state as a legitimate functioning order had literally been paralyzed¹¹. Such was the nature of the war and the resulting violence and institutional breakdown that, in the words of Clapham (1994), “the Republic of Liberia virtually ceased to exist as a recognizable state” (p. 66). Commenting on the breakdown of the state in Liberia, David Wippman made a similar observation:

By July 1990, all semblance of civil authority within Liberia had ceased to exist.

Rebel forces...held all of Liberia except for the capital city, Monrovia. Fighting street by street, they struggled with the remnants of Doe’s army, and with each other, for control of the country. All sides regularly tortured and murdered non-combatants; thousands of civilians faced starvation, and tens of thousands were forced into exile, joining some 500,000 of their fellow citizens already seeking refuge in neighbouring states. (as cited in Jaye, 2003a, p. 129)

While the war raged, and while it resulted in extreme insecurities both at the levels of the state and the individual, no intervention from the UN or the United States was forthcoming. The UN exhibited a rather lukewarm attitude to the conflict, perhaps because the situation in Liberia hardly threatened the interests of the powerful members of the UN Security Council. Among the powerful states, the gap between interest and threat—or what Snow (1996) calls “interest-threat mismatch” (p. 7)—appeared rather wide in the immediate aftermath of the

¹¹ However, as noted in other chapters, the war also occurred in a relational context, where relationships are important. This argument is developed further in subsequent chapters.

Cold War. Even the US, which is believed to have a special relationship with Liberia, literally abandoned the country's people. Herman Cohen, Assistant Secretary of State for Africa at the time, is said to have justified the decision of the US not to intervene in the conflict on the grounds that the war in Liberia was "purely an internal affair which required an internal solution" (Jaye, 2003a, p. 133). At the continental level, the Organization of African Unity (OAU), which later transitioned into the African Union (AU), was hamstrung by its inadmissibility of intervention principle.¹² The absence of a credible global or continental response meant that the responsibility for restoring peace to Liberia shifted to the ECOWAS. The involvement of ECOWAS in the war took two main dimensions: peace negotiations and the deployment of a ceasefire monitoring force.

The ECOWAS Interventions

As part of its efforts towards ending the Liberian Civil War and the humanitarian emergency that arose from it, the ECOWAS mediated a minimum of 15 peace agreements¹³ from 1990 until 2003, when peace was finally restored. The first two major agreements providing a clear roadmap for peace in Liberia were the Bamako Cease-fire Agreement of November 28, 1990 and the Banjul Joint Statements of December 21, 1990. These agreements emerged from an earlier ECOWAS Peace Plan, which was drafted in Banjul, the Gambia, in August 1990 and later adopted as the Bamako Ceasefire Agreement (Addo, 2005). The peace plan provided, among other things, for an immediate ceasefire and the

¹² See Article III of the Charter of the Organization of African Unity.

¹³ These agreements are as follows: the ECOWAS Peace Plan (Banjul Communiqué), August 1990; The Bamako Cease-fire Agreement, November 28, 1990; The Banjul Joint Statement, December 21, 1990; The Lomé Agreement, February 13, 1991; The Yamoussoukro I Accord, June 30, 1991; The Yamoussoukro II Accord, July 29, 1991; the Yamoussoukro III Accord, September 17, 1991; The Yamoussoukro IV Accord, October 30, 1991; The Geneva Cease-fire Agreement, July 17, 1993; The Cotonou Accord, July 25, 1993; The Akosombo Agreement, September 12, 1994; The Accra Clarification, December 21, 1994; The Abuja Accord, August 26, 1995; The Abuja Accord Supplement, August 17, 1996; and The Comprehensive Peace Agreement (CPA), August 18, 2003 (see Addo, 2005, p. 16).

establishment of a ceasefire monitoring group; the establishment of an interim government of national unity; and the holding of elections within 12 months.¹⁴

In fulfillment of the Peace Plan, the ECOWAS convened an All-Liberian Conference in Gambia from August 27 through September 1, 1990, where an interim government was constituted with Amos Sawyer, a Liberian academic, as Interim President. The interim government was mandated, with the support of ECOWAS, to demilitarize the combatants and maintain law and order, hold free and fair elections, and initiate a process of national reconciliation (Jaye, 2003a). In order to protect the government and support the implementation of the peace accords, the ECOWAS deployed the ECOWAS Ceasefire Monitoring Group (ECOMOG) to Liberia, the first peace-support deployment within the sub-region.

Although the initial agreements succeeded in establishing an interim government, not much else could be achieved. Key among the reasons was the fact that Taylor's NPFL rejected the resolution of the Banjul Conference, and generally refused to fulfill its commitments under the Peace Plan and the Bamako Ceasefire Agreement (Addo, 2005; Jaye, 2003a; Ofuatey-Kodjoe, 1994). To make matters worse, Taylor established a parallel government and declared himself President of Liberia with his headquarters at Gbarnga, the capital city of the Bong County (Addo, 2005; Adebajo, 2002; Jaye, 2003a; Ofuatey-Kodjoe, 1994). Other challenges related to mistrust among the various factions and the lack of unanimity among the ECOWAS Heads of State (Adekeye, 2002; Addo, 2005).

The initial agreements highlighted above were followed by the Lomé Agreement of February 13, 1991, and the Yamoussoukro I-IV Peace Agreements (June–October 1991). Of these agreements, the Yamoussoukro IV Accord of October 30, 1991 was particularly significant in that it worked out a practical program for encampment and disarmament, as

¹⁴ ECOWAS Decisions: A/DEC.1/8/90 of August 7, 1990; A/DEC.2/8/90 of August 7, 1990; A/DEC.3/8/90 of August 7, 1990; A/DEC.4/8/90 of August 7, 1990.

well as the creation of an atmosphere conducive to holding free, fair, and transparent elections in Liberia in order to return the country to constitutional rule (Mutwol, 2009). However, the elections never occurred. Instead, the Taylor-led NPFL, in seeking to overrun Monrovia, launched “Operation Octopus” and other attacks on ECOMOG forces, plunging the country further into chaos (Adekeye, 2002). Taylor, who claimed he had over “90% of Liberian territory” under his control (Aning, 1999, p. 28), felt that ECOMOG could “deny the NPFL the political fruits of its military labours” (Adekeye, 2002, p. 599). The opportunity the war provided to the NPFL in terms of making money and acquiring power meant that Taylor was neither interested in sharing power nor laying down his arms. The chief means by which Taylor made money was by accessing Liberia’s “lucrative export business based on diamond, timber, iron ore and gold” (Aning, 1999, p. 340). Given that there was initially no coherent international effort to “bankrupt peace spoilers” or curtail belligerent access to natural resource revenues (Le Billon, 2011, p. 13), the motivation to capture or seize control over the political center seemed very high indeed.¹⁵

On August 26, 1995, the ECOWAS brokered the Abuja Accord, which was followed by the Abuja II Accord of August 17, 1996. These accords—the Abuja II Agreement, in particular—finally succeeded in paving the way for elections. Unlike the previous accords, the first Abuja Agreement brought the factional leaders together in a collective presidency of six, all of whom, save for the chairman, could stand for the elections scheduled for 1997 (Jaye, 2003a). Under the terms of the Abuja II Accord, the ECOWAS made the decision to punish violations of the accord through travel restrictions, freezing of assets in ECOWAS member states, exclusion from participation in the elections, and the establishment of a war crime tribunal to try human rights violations. These measures had the effect of reducing the level of intransigence displayed by the factions and also creating the needed atmosphere for a

¹⁵ It is significant to note, however, that the root and proximate causes of the Liberian civil war go far deeper than simply the motivation to exploit the country’s rich natural resources, as discussed earlier.

successful election, held on July 19, 1997 and won overwhelmingly by Mr. Taylor, who was subsequently declared President. Even though Taylor won 75% of the vote, it would be misleading to interpret that to mean he enjoyed the support of 75% of the Liberian people. In fact, many Liberians voted for Taylor because they felt he might pick up arms again and start another round of civil war if he were not elected; Liberians had had enough of the war (Hayner, 2007; Jaye, 2003a).

Although Taylor's victory returned the country to constitutional rule, the resulting peace was ephemeral. Barely two years after the first civil war (1989-1997) came to an end, the country was plunged into another cycle of internal conflict. This began when the Liberians United for Reconciliation and Democracy (LURD) armed faction launched anti-government attacks from the northern part of the country in 1999, commencing the second phase of the civil war (1999-2003) (Jaye & Bloh, 2015; Perry & Sayndee, 2015). Fighting intensified when the Movement for Democracy in Liberia (MODEL), which splintered from LURD, joined the ensuing battle from the south. The challenge to the Taylor government did not come as a surprise. For the period he was in power, Taylor's regime was characterized by "political repression, severe economic mismanagement and corruption, social alienation of the mass of the people, and a high degree of personal rule unprecedented in the history of the country" (Jaye, 2003b, p. 644). Equally important, the injustices and deep-seated inter- and intragroup cleavages that resulted from the war, as well as their antecedents, were not addressed; nor were there any credible efforts toward addressing them.

As fighting ensued, the security situation deteriorated correspondingly. This compelled the ECOWAS to mediate another round of peace talks, resulting in the signing of another peace accord: The Comprehensive Peace Agreement (CPA) of August 18, 2003. The CPA was signed in Accra-Ghana by the Government of Liberia, LURD, MODEL, and 18 political parties. Liberia has witnessed the absence of organized violence since the signing of

the CPA and the subsequent deployment of the United Nations Mission in Liberia (UNMIL) in October 2003 to implement the agreement. However, the country remains polarized (Jenning, 2007), with the justice question persisting as a critical issue. The basic need for justice and reconciliation has yet to be fulfilled, as survivors continue to live with pain. As will be seen later in this chapter, the CPA contained special provisions pertaining to issues of transitional justice, which were missing in the previous accords. The CPA came into effect while Taylor was on his way out as President of Liberia.

On the morning of June 4, when the 2003 peace talks were scheduled to begin, the Special Court for Sierra Leone (SCSL), established “to prosecute persons who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law”¹⁶ during the civil war in Sierra Leone, issued an arrest warrant against Charles Taylor. Taylor, who was in Accra to participate in the peace talks, announced his intentions to resign as president: “Some people believe that Taylor is the problem . . . If President Taylor removes himself from Liberia, will that bring peace? If so, I will remove myself” (as cited in Hayner, 2007, p. 4). Taylor was flown back to Liberia by the Ghanaian authorities after that speech.

Under pressure from both the international community as well as the advancing forces of the LURD and the MODEL on Monrovia, Taylor stepped down as President and subsequently went into exile in Nigeria. In March 2006, he was arrested by the Nigerian authorities near the Cameroonian border while trying to escape.¹⁷ Having been sent to the Hague to face trial, Taylor was found guilty by the court on April 26, 2012 “on all eleven counts, on the modes of liability of planning of crimes and for aiding and abetting of crimes

¹⁶ See Case No.: SCSL-03-01-T, 18 May 2012, available at: <http://www.rscsl.org/Documents/Decisions/Taylor/1283/SCSL-03-01-T-1283.pdf>

¹⁷ Special Court for Sierra Leone. Retrieved from <http://www.rscsl.org/Taylor.html>

committed by rebel forces in Sierra Leone.”¹⁸ Taylor was sentenced to 50 years in jail and is currently serving his prison sentence in a prison in the United Kingdom.

Unlike the previous peace agreements, which were all “characterized by appeasement for warlords” (Aning & Jaye, 2011, p. 17), the CPA did not include provisions for amnesty for wartime atrocities, “explicitly leaving this open for future consideration” (Hayner, 2007, p. 5). Although the previous agreements were generally silent on the issues of justice and accountability, that did not translate into lasting peace for Liberia. It rather appeared to have encouraged impunity. During the Accra negotiations, therefore, some of the participants, including civil society groups, pushed for the inclusion of justice and accountability provisions in the final agreement. At the same time, however, there was the counterargument made by the representatives of the warring factions that the call for justice or criminal accountability could place undue stress on the fragile peace and plunge the country back into civil war (Aning & Jaye, 2011; Hayner, 2007). As discussed in Chapters 1 and 3, amnesty—the act of granting immunity from prosecution by government to people who have been guilty of heinous crimes—remains one of the most controversial issues in divided societies (Feleke, 2016; Huyse, 2008; Pankhurst, 1999).

In Africa, there have been cases where amnesty has been granted, the South African case being the most prominent. In order to promote reconciliation and national unity, the South African TRC, which was chaired by Archbishop Desmond Tutu, had the facilitation and granting of amnesty as a core mandate. By granting amnesty to the perpetrators of heinous crimes during the apartheid regime, the post-apartheid government of Nelson Mandela managed to prevent the eruption of armed conflict between Black and White South Africans (Villa-Vicencio, 2009). In fact, Feleke (2016) argues that amnesty helped South Africans to transition peacefully into democracy and freedom. In Liberia, on the other hand,

¹⁸ Special Court for Sierra Leone, retrieved from <http://www.rscsl.org/Taylor.html>

(and while acknowledging that the South African and Liberian contexts are different), the decision not to hold perpetrators accountable for their crimes did not always translate into lasting peace.

As noted earlier, the Accra Accord of 2003 was the 15th peace agreement signed since the beginning of the war. Each of the earlier 14 accords had been systematically broken by the parties. Given that amnesty failed to deliver peace, it was significant that amnesty provisions were not included in the CPA. Hayner (2007) suggests five reasons for the non-inclusion of amnesty in the agreement (p. 5):

1. The focus of the three warring parties was elsewhere. Their main priority was not protection, but power. The factions pushed hard for key political positions, and succeeded in their aims;
2. The threat of court action was minimal, as national courts were extremely weak, and the Special Court for Sierra Leone was uninterested in any Liberian other than Charles Taylor. There was little worry about prosecutions, and so no one felt it necessary to insist on legal immunity. Meanwhile, verbal assurances from other factions and international participants made clear that no prosecutions were planned;
3. A blanket amnesty was unpalatable to the public, and may have met with loud protest. The war had been too vicious for too long, and was pounding the capital city even as the talks proceeded. Leaders of civil society and hundreds of women from a neighbouring refugee camp were present to keep pressure on the parties;
4. Rebel leaders were insisting on justice for some of the notoriously brutal massacres and other atrocities of the past, and also for economic crimes; and
5. An alternative to the quandary of amnesty versus prosecutions was quickly found: a truth and reconciliation commission was proposed to fill this space, and kept the other proposals off the table.

The fifth point relating to the question of how the injustices committed against civilians during the war could be redressed without threatening the fledgling peace is particularly instructive. As noted above, the parties settled on the establishment of a TRC to contribute towards the restoration of justice and the promotion of reconciliation in Liberia, which will be discussed later in this chapter. In addition to the call for the TRC, the CPA also provided for the “prompt and efficient implementation of a national process of cantonment, disarmament, demobilization, rehabilitation and reintegration.”¹⁹ In accordance with this provision, a DDR process was set in motion four months following the signing of the accord.

The Liberian DDR Process

The DDR process in Liberia began in December 2003. Overall, the process was led by the UNMIL, while the reintegration dimension was jointly implemented by the National Commission for Disarmament, Demobilization, Rehabilitation and Reintegration (NCDDRR), and the United Nations Development Programme (UNDP). Shortly after its commencement, the DDR process was disrupted by riots when ostensibly more ex-combatants than anticipated reported at the cantonment site. The ensuing rioting led to the death of nine persons, compelling the suspension of the process. In April 2004, the process was resumed after enhanced security arrangements had been put in place. Subsequently, the disarmament and demobilization phases of the process were formally completed in November 2004, with 103,019 people registered as disarmed and 101,495 demobilized (Republic of Liberia, 2009, p. 1). Ready for reintegration, the ex-combatants were given two cash payments of US \$150 each. In addition, they were given the offer to opt for any of the reintegration programs, which consisted of fully funded formal education for up to three years or vocational training, farming, and public works training. The ex-combatants were also entitled to receive a monthly stipend. It is significant to note that no such opportunities were

¹⁹ See Article VI of the CPA, 2003, para. 1.

available for the victims of ex-combatants atrocities or the non-combatant communities that were to absorb the ex-combatants.

The special treatment offered to the ex-combatants was without doubt informed by the threat narrative, which portrays unemployed ex-combatants as a threat to the fledgling peace after civil war (see Chapters 1 and 3). This narrative reduces the entire reintegration process, which should otherwise focus on integrating and reconciling returning ex-combatants with survivors, to the mitigation of potential ex-combatant-instigated threats. Not only did this approach to reintegration carry the potential to “cement the division between ex-combatants and civilian society, undermining its own rationale” (Jennings, 2008, p. 211), but it also caused resentment and bitterness among survivors against the ex-combatants (see Chapter 1). In its final report, for example, the TRC stated that the reintegration support offered to ex-combatants was interpreted by “many civilians as a reward” for impunity, “causing resentment” against the demobilized combatants rather than according them positive reception (Republic of Liberia, 2009). Thus, by appeasing ex-combatants, the current approach to reintegration results in renewed victimization of war survivors, which in turn excludes rather than reintegrates ex-combatants. The approach and the exclusion it spawns can complicate the process of restoring broken relationships within communities and undermine lasting peace. Clearly, the next major issues that Liberians had to redress through the TRC, in order to repair the damaged relationships in communities, were the injustices experienced by people in those communities.

The Quest for Justice and Reconciliation in Liberia

The Liberian TRC

As noted earlier, the idea of a TRC was adopted as a compromise deal between blanket amnesty, favored by the armed factions, and criminal prosecution of alleged perpetrators, preferred by the representatives of civil society and political parties (Jaye &

Bloh, 2015, p. 12). Article XIII of the CPA²⁰, which provides for the establishment of the TRC, states:

A Truth and Reconciliation Commission shall be established to provide a forum that will address issues of impunity, as well as an opportunity for both the victims and perpetrators of human rights violations to share their experiences, in order to get a clear picture of the past to facilitate genuine healing and reconciliation.

In accordance with this provision, a TRC was enacted in May 2005. After three years of sitting, the Commission produced its final report in June 2009. Among other things, the TRC recommended several persons for prosecution for their role in the war—which involved economic crimes as well as war crimes. While the Commission was instrumental in providing critical space for people to render testimonies about what happened during the war, not much was achieved by way of justice or reconciliation. The Commission encountered a number of challenges that included undue delays in commencing the process; inadequate resources and overdependence on donor funding; and lack of unanimity among the commissioners (Jaye, 2007).

The failure of the TRC to accomplish its justice and reconciliation mandates necessitated an alternative forum for justice and reconciliation. This found expression in the final report of the TRC when the Commission recommended the establishment of national Palava Hut centers across the length and breadth of Liberia with committees to serve as forums for justice and reconciliation and help “restore broken relationships at the community and national levels” (Republic of Liberia, 2009, p. 2). The Commission specified the names of some 6,000 persons, mostly ex-combatant, who were to appear before the national Palava Hut when established. The INCHR of Liberia was tasked to ensure the implementation of the process.

²⁰ See Article XIII of the Comprehensive Peace Agreement Between the Government of Liberia and the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL) and Political Parties, Accra, August 18, 2003, para 1.

The fact that the commission, which was established in the first instance to promote national reconciliation, concluded its work with a recommendation for the establishment of national Palava Hut centers—through which it would be possible to “restore broken relationships”—is significant for two major reasons. First, the recommendation points to the inability of the Commission to deliver on the reconciliation or relational dimension of its truth and reconciliation mandate, and it also, albeit indirectly, points to the limitation of TRCs as transitional measures. Second, and perhaps more important, the call for the national Palava Hut suggests that the Palava Hut process may possess particular attributes that enable it to complement both trials (retributive justice) and TRCs (restorative justice). There is currently a dearth of empirical studies, however, which explain the role the Palava Hut can potentially play in restoring justice and broken relationships in the aftermath of armed violence. Understanding the potential contribution of the Palava Hut is vital for many significant reasons. As noted earlier, there are ongoing approaches to peacebuilding which clearly overlook the relational imperatives of conflict and peacebuilding altogether, even though the issues they seek to address are inextricably tied to an existing disconnect in people’s relationships.

The Palava Hut Process

Most of the people you see around here, they live together as a family at the community and town levels. So if there is a burning issue from one of the family members and they went to court, the family of that person who is taking the court action and the person who was taken to court will no longer relate. There will be conflict. They will say, ‘Why did you take our Paa, our Maa, our aunty to court? You shouldn’t have done that.’ So court serves as an enemy, as a breeding ground for conflict in the community. (Youth Leader, personal communication, September 16, 2015).

In Liberia, rural Liberia in particular, about 90% of people seek justice through indigenous justice processes—not the criminal justice system or statutory courts (Isser et al., 2009; Sandefur & Siddiqi, 2011, 2012). Such processes, of which the Palava Hut is the most

prominent, are seen as avenues for equal and fair justice, and as such enjoy high levels of legitimacy. Unlike the statutory courts, which are believed to spawn conflicts in communities, as the epigraph above illustrates, the Palava Hut process is believed to maintain homeostasis in communities. The Palava Hut is an indigenous reconciliatory and non-adversarial process of justice and conflict transformation used to resolve disputes relating to such issues as divorce, land, theft, and occasionally murder and rape by most ethnic groupings in rural Liberia. Literally speaking, the Palava Hut is a gathering place, usually a round thatched hut symbolizing a sustained relationship that is the essence of the process. The gathering is usually convened and presided over by a respected elder or a panel of elders within the community, playing a mediatory role.

The Palava Hut derives its legitimacy from a host of cultural influences, including the Poro and Sande institutions, and has greatest legitimacy and viability in tight-knit homogeneous rural communities (Jaye & Bloh, 2015; Republic of Liberia, 2009). The Poro and Sande, common to many ethnic groupings in Guinea, Liberia, and Sierra Leone, are “secret societies,” into which men and women, respectively, are initiated (Akpan, 1973; Bledsoe, 1984; d’Azevedo, 1962; Fahey, 1971; Murphy, 1980; Sawyer, 1992). The Poro in particular, as a men’s society, is designed to regulate behavior in the community in order to ensure tranquility and stability (d’Azevedo, 1962; Fahey, 1971; Sawyer, 1992). In many Poro-practicing communities, land has a sacred quality, and it is the responsibility of the Poro to guard against and adjudicate offenses, including homicide, that are committed against the land (Fahey, 1971; Murphy, 1980).

As the managers or guardians of land, the Poro elders are the ultimate source of authority in most societies. They form an “important link between past and present, and are the reservoir of knowledge, for the guidance and maintenance of society. Consequently, deference to elders and absolute obedience to their commands is a basic tenet of the society’s

teachings” (Fahey, 1971, p. 6). Exercising higher authority of a “sacred and secret” nature, Poro elders provide a deeper basis for order and sanctions that transcends the prerogatives and determinations of secular authority (Sawyer, 1992). They are an important bulwark against arbitrary secular authority, while giving meaning to social order in the community.

The Sande (the women’s secret society), while paralleling the Poro in certain respects, is largely auxiliary to the Poro. The role of the Sande is linked more directly to the upbringing of girls so they will become good wives and mothers (Bledsoe, 1984; Fahey, 1971). Many rural Liberians perceive value in the authority of the Poro. As a result, in spite of political encroachments and interferences on the part of the Liberian government and politicians, the Poro remains “a powerful influence” (Sawyer, 1992, p. 50). It is from the Poro that the Palava Hut draws its sacred aspects, legitimacy, and authority. Even in areas of Liberia where there are no Poros, there are often Poro-like institutions or systems in which the Palava Hut is rooted.

The Palava Hut process has many dimensions that include truth-telling and acknowledgement of responsibility by the offender, forgiveness by the victim (and the elders) – sometimes after the imposition of specific punishments or fines—and reconciliation rituals that may include both the offender and the victim embracing each other or eating from the same plate (Jaye & Bloh, 2015; Pajibo, 2009). The Palava Hut is also thought of as a concept, and not necessarily a specific place (James-Allen et al., 2010; Nabudere, 2013). By implication, the Palava Hut process can be “imported” to urban non-relational communities, through rural-urban drift, just as Palava Hut proceedings can be organized even when there are no physical Palava Hut structures or symbolic round huts.

Like the Poro system in which it is steeped, the Palava Hut process focuses on “the question of facts only, not as to the question of law . . . The issue being litigated is whether a wrong act occurred, and if so what the act was” (Fahey, 1971, p. 2). Devoid of the esoteric

language and procedures typical of statutory court proceedings, the Palava Hut is simple and conducted in a language every community member understands. Outcomes of proceedings are, therefore, predictable and less prone to manipulations. Operationally, the Palava Hut process involves a detailed step-by-step procedure, as captured in Table 2.1 below. The table, which was extracted from the 2015 draft report on the *Ethnographic Study on the Traditional Palava Hut System of Liberia*, authored by T. Jaye and O. Bloh, shows a detailed list of Palava Hut procedures among the *Mel* linguistic group of Liberia. The Mel forms one of the three major linguistic clusters in Liberia.

As captured in Table 2.1, some of the steps resonate with one or another conception of justice in terms of procedural, retributive, or restorative imperatives. However, the extent to which these procedures deliver justice for people corresponds to the sense in which they ultimately restore broken relationships.

Although the Palava Hut may contain an element of punishment, the ultimate aim of punishment under this process is to restore and sustain just and peaceful relations. As such, the Palava Hut is, before anything else, a relational justice process. The focus on just relationships rests on the understanding that relational disharmonies can threaten community resilience and security by distorting the interlocking web of economic, political, and social networks that sustain the community. The salience of the intracommunal relationships means that justice is thought to extend beyond the individual to include the entire community—or, better still, that justice extends from the community to the individual.

Table 2.1*Steps Taken in the Palava Hut Process***Mel Group: Steps taken in the Palava Hut Process**

Step 1: A Complainant brings an issue to the attention of the Council of Elders.

Step 2: The head of the Council instructs a member of the community to summon the two parties for hearing.

Step 3: Upon appearance, the parties are asked if they have witnesses.

Step 4: The parties are asked to deposit certain amount of money, usually not a high amount as a guarantee. The defendant is usually charged a little higher than the complainant.

Step 5: After the two parties have deposited their respective amounts, their witnesses are asked to leave the place where the hearing is taking place.

Step 6: Both parties are asked to explain beginning with the complainant and subsequently followed by the defendant.

Step 7: Following the explanations, one witness is called at a time to provide testimony.

Step 8: The testimonies are followed by questions and answers from the Council of Elders.

Step 9: The parties are asked to leave the place where the hearing is taking place and instructed to bring a token when they return.

Step 10: While the parties are outside the place where the hearing is taking place, the Council of Elders seeks the views and opinions of the community members present in relation to who is right or wrong.

Step 11: The members of the Council will consult and reach a consensus on who is right or wrong; and it will announce the verdict and the corresponding sanctions.

Step 12: Following the announcement of the verdict, the guilt party refers the decision to his or her relatives present, preferably an uncle.

Step 13: The parties then engage each other on the verdict reached. "This is where peace begins."

Note: Adapted from *Ethnographic Study on National Forums to Assess/Research: The Traditional Palava Hut Systems of Liberia*, a draft report submitted to the Independent Human Rights Commission of Liberia, by J. Thomas and O. Bloh, November 2015, p. 20.

The Palava Hut has a number of important attributes that enable it to overcome the challenges faced by TRCs, while accruing other benefits, as follow:

- Unlike the TRC, which is partly formal, the Palava Hut is a home-grown and context-specific mechanism rooted in local norms, values, and culture, and conducted in a language understood by all, thereby enabling direct and greater participation by those involved;
- The Palava Hut is highly decentralized, as it takes place on site within the community where actual reconciliation occurs;

- Palava Hut proceedings are presided over by trusted and respected elders of integrity from within the community, implying that the process does not only enjoy a high degree of legitimacy, but also that “[d]ecisions reached through Palava Hut are binding” (Republic of Liberia, 2009, p. 2);
- It saves time, it is comparatively cheaper financially, and it is therefore very accessible;
- Avoiding legal technicalities, the Palava Hut is perceived as less prone to corruption and official manipulation; and
- More importantly, it aims at restoring justice and broken relationships in communities (Republic of Liberia, 2009).

In spite of these positive attributes, the Palava Hut comes with a number of challenges that may impede its efficacy as a transitional process. Included among them are the following:

- The Palava Hut has evolved as a tool for conflict transformation in relational rural communities, but not non-relational urban communities. It is, therefore, not clear how the national Palava Hut forums proposed by the TRC can be operationalized/implemented in urban non-relational communities such as Liberia’s capital, Monrovia;
- The Palava Hut, in its current form, focuses on everyday disputes relating, for example, to land, marriage, and petty theft. One can, therefore, not tell with certainty how it can work to redress war-related atrocities;
- The Palava Hut is conceived and practiced in a variety of forms by different ethnic groupings in Liberia—albeit with close similarities. The absence of a homogeneous Palava Hut process makes it difficult to specify definitive remedies (including

sanctions and compensations) that are applicable across the board. Moreover, it is unclear how cross-ethnic crimes will be addressed: Which Palava Hut will apply?

- The Palava Hut can serve as a source of human rights violations, particularly in communities where trial by ordeal,²¹ which has been outlawed in Liberia, is still practiced;
- The long years of war, during which traditional institutions were desecrated, impacted negatively on traditional institutions, including the Palava Hut, so much so that their legitimacy appears to have waned;
- There are concerns that decisions reached under the Palava Hut system may not be binding and enforceable in non-relational communities; and
- It is unclear how the Palava Hut panel in non-relational communities will be composed or instituted.

These challenges pose several questions: How can the relational aspects of reintegration be addressed? That is, how can the injustices committed by ex-combatants against survivors be addressed during the process of reintegration? Furthermore, how can the Palava Hut contribute to the reintegration of ex-combatants? These questions are significant in that when the TRC recommended the establishment of the national Palava Hut forums in Liberia, ex-combatants represented the majority of the persons listed to appear before the forum (TRC of Liberia, 2009). The idea of the Palava Hut as a potential instrument of reintegration, however, raises a number of fundamental challenges, particularly in light of the fact that the Palava Hut has evolved as an indigenous process practiced among tight-knit homogeneous rural or relational communities whose members share a common sense of identity/kinship, language, religion, norms, and values, and who also place strong emphasis

²¹ Trial by ordeal, such as the “Sassywood,” is an indigenous trial process by which guilt or innocence is determined by asking the accused to drink a poisonous potion prepared from the bark of the sassywood tree. If the accused survives after drinking the potion, he or she is considered innocent, and guilty if death the accused dies.

on the values of collectivism, rather than individualism, manifesting in a strong and binding sense of community.

Summary

In Chapter 1, I argued that, in spite of the fact that civil wars occur in both relational contexts and the context of state capacity weaknesses, ongoing approaches to peacebuilding prioritize formal institutional reforms while ignoring the relational dimensions of conflict and peacebuilding. In the present chapter, I discussed the Liberian case as an example of how damaged relationships influence the dynamics of conflict and peacebuilding. I exposed the limitations inherent in the current approaches to transitional justice and ex-combatant reintegration, and discussed the potentials benefits and limitations of deploying the Palava Hut process as a transitional measure. I emphasized that the relational justice model developed in this paper represents the most promising alternative for overcoming the challenges faced by both the TRC and reintegration processes.

Chapter 3

CIVIL WAR, REINTEGRATION, AND RELATIONAL JUSTICE:

CONCEPTUAL AND THEORETICAL UNDERPINNINGS

The social reintegration of former combatants is the most important aspect of the disarmament, demobilisation and reintegration (DDR) process, but there is a paucity of literature providing a clear understanding of its challenges and what it actually constitutes, and, more importantly, how it could be planned and implemented in peace-building environments. (Ozerdem, 2012, p. 51)

Introduction

Even though the overwhelming majority of civil wars are terminated through negotiated peace agreements, these agreements are highly susceptible to failure (DeRouen, 2010). In order to minimize the risk of conflict relapse and the adverse implications that attend them, a diverse range of initiatives and processes falling under the broader umbrella of post-conflict peacebuilding has evolved since the early 1990s. In 1992, United Nations Secretary-General Boutros Boutros Ghali published *An Agenda for Peace*, in which he introduced and conceptualized peacebuilding as “action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict” (United Nations, 1992, para, 21).

Ex-combatants’ reintegration (and the DDR process) has evolved into one of the main components to the peacebuilding process, and it is also an integral part of UN-mandated peace support operations (Berdal & Ucko, 2009; Muggah, 2010; Stedman et al., 2002; United Nations, 2000a). For reintegration to be successful at achieving its integrative purpose—that of reconciling ex-combatants with survivors—it needs to be linked to justice in terms of redressing the injustices experienced by those who were the targets of ex-combatants’ wartime atrocities, which has thus far been missing in the ongoing approach to reintegration.

This chapter reviews the relevant literature on civil war, ex-combatant reintegration, and justice within the broader discourses of conflict termination and peacebuilding to understand how the aims of reintegration and post-conflict peace can be fulfilled more effectively. The chapter attempts to close critical gaps in existing literature and proceeds to demonstrate how the inclusion of a relational concept of justice in the study and practice of reintegration could potentially help overcome critical gaps in transitional justice and reintegration.

Following this introduction, I review the literature on civil war recurrence in order to contextualize and position the study in the broader peacebuilding discourse. The concept of reintegration is then discussed both conceptually and as a policy instrument for addressing the risk of conflict relapse. The third section discusses the liberal institutional logic that guides current reintegration processes. A broad discussion of justice, including a review of the concept of relational justice, follows in the fourth section. I discuss relational justice as a broader framework within which the operational patterns of the Palava Hut can be understood, and also as a framework within which the transformation from injustice to justice can be analyzed. I highlight the inadequacies internal to the process, and how the Palava Hut process can be adapted to reintegration in both qualitative and spatial terms. The fifth section discusses the theory of conflict transformation, which provides the theoretical foundation of this research. This theory explains the primacy of relational transformation in addressing the barriers to reconciliation, reintegration, and sustainable peace.

Civil War Dynamic

The issue of war and peace has for centuries remained central to the study of politics and international relations (Buzan, 2007; Clausewitz, 1976; Kaldor, 2007). While assumptions of the primacy of war and peace were traditionally linked to the security of the state (Buzan et al., 1998), a qualitative transformation is said to have occurred in the nature of

war, bringing attention to other units of analysis beyond the state (Kaldor, 2001, 2007, 2012; Snow, 1996). This change, which is claimed to be most evident in the post-Cold War system, has led a number of scholars to advance an idea of *new wars* (Kaldor, 2007; Snow, 1996). Organized violence in the post-Cold War era, they argue, differs from the old Clausewitzian inter-state warfare prevalent during the Cold War due to “the pattern of violence that has been developing” (Snow, 1996, p. 1). New wars, it is maintained, differ from “old wars” in terms of the actors involved, the goals they seek, the methods and technology employed, the spatial context in which wars occur, motivations that drive war, and the impact or outcome of war—both in human and material terms (Kaldor, 2007, 2012; Snow, 1996).

There can be no doubt that these features of war do have implications for conflict management, peacekeeping, or humanitarian intervention (Caney, 2005; ICISS, 2001; Wheeler, 2000). Yet the new wars proposition has come under attack from some analysts on the grounds that there is no significant difference between contemporary wars and wars of earlier times. Newman (2004), for example, contends that “all of the factors that characterize new wars have been present, to varying degrees, throughout the last 100 years,” and that the basic attributes of war have not changed to the extent portrayed by the new wars scholars (p. 179). For Newman (2004), what has changed has been more focus by academics, policy analysts, and politicians on the attributes of war than before due to advancements in communication, which bring the atrocities and other realities of war more vividly to the public than was previously the case. A careful observation does indeed show that the features specified under the new wars proposition are not altogether new. Perhaps what is different is the fact that armed conflict within states has, since the end of the Cold War, replaced inter-state warfare as the most prevalent and most deadly form of organized violence (Mason et al., 2011; Walter, 2010; William, 2011). Additionally, most of these conflicts occur in relational context, where combatants target and attack members of their own communities.

Also, intra-state conflicts, as the examples of Liberia (before 2003), Somalia, Darfur-Sudan, South Sudan, and the Democratic Republic of Congo illustrate, are more difficult to end because they often involve issues of identity and relationship, which require far more than the termination of open conflicts (Gurr, 1990; Licklider, 1993). Virtually all the civil wars fought in Africa occurred following the failure of one or another form of peace agreements (Mutwol, 2009; Stedman et al., 2002). While third-party interventions eventually help to bring intra-state conflicts to an end, usually through peace agreements, civil war termination does not necessarily usher in long-lasting peace and security (Collier & Soderbom, 2008; Mason et al., 2011); nor does it necessarily transform conflicts in relationships. The “cycle of violence,” which results from peace failure, eventually locks countries in “conflict traps” that undercut their productive base and capacity to develop (Collier et al., 2003; Collier, 2007; Lumsden, 1997). The enormous human and material costs that result from peace failures necessitate answers to basic questions such as why peace agreements fail and what can be done to sustain the peace once secured (Autesserre, 2010; Collier & Soderbom, 2008; DeRouen et al., 2010; Doyle & Sambanis, 2006).

Sources of Civil War Recurrence and How to Address Them

As noted earlier, civil wars are highly resistant to permanent resolution. This is because once a nation experiences an initial episode of civil war, its ability to prevent subsequent eruptions is greatly diminished (Azar, 1990; Lumsden, 1997; Mason et al., 2011). State proclivity to conflict relapses has been linked to national attributes, which include economic and political factors (Collier, 2007; Collier & Hoeffler, 2004; Hartzell et al., 2001; Hegre et al., 2001). The role of political actors, such as Charles Taylor (see Chapter 2), has led to a greed narrative which claims that the motivation to seek private gains or greed represents the main driving force or underlying rationale for the commencement and persistence of civil war (Berdal & Keen, 1997; Collier, 1999, 2000; Collier & Hoeffler,

2004;). This argument, however, runs the risk of becoming reductionist when divorced from such complex issues as “political and economic marginalization, as well as social exclusion, identity and citizenship,” all of which shape the contours of conflict and management dynamics in Africa (Hutchful & Aning, 2004, p. 200).

Thus, issues at stake in a conflict, as well as their complex root causes, require adequate attention when explaining conflict and peace dynamics. As Gurr (1990) and Licklider (1993) note, the issues over which war is fought not only influence the intensity of conflict, but they also influence the durability of peace. Identity-based conflicts (ethnic, religious, racial, and linguistic interests), which are linked to the grievance narrative, are more difficult to iron out than those driven by politico-economic motivations. Hartzell et al. (2001), on the other hand, emphasize regime types: a post-conflict country which had a democratic or semi-democratic regime type before the onset of war is more likely to sustain peace longer than one that was governed autocratically, as citizens have prior experience in, and can build on, democratic and non-violence approaches for resolving political differences.

The context in which civil war ends is also thought to influence the durability of peace. Peace is more durable when civil wars end through outright military victory than through peace agreements (Betts, 1994; Fortna, 2004; Licklider, 1995; Luttwak, 1999; Mason et al., 2011). As Luttwak (1999) explains, for example, “Hopes of military success must fade for accommodation to become more attractive than further combat” (p. 36). This proposition, however, does not take into account the human and material costs of leaving belligerents to their own devices. Indeed, most contemporary civil wars are terminated through peace agreements, which are usually implemented by international peacekeepers (Fortna, 2004; Stedman et al., 2002).

Empirical studies suggest that the presence of peacekeepers/peace-builders helps to reduce the likelihood of peace failure (Adekeye & Rashid, 2004; Doyle & Sambanis, 2000,

2006; Fortna, 2004; Mason et al., 2011). This happens, according to Fortna (2008, p. 86), when peacekeepers reduce the likelihood of aggression by raising the costs of war for the parties; reduce belligerents' uncertainty about each other's intentions and actions (their security dilemma); prevent accidents from occurring or control them so they do not escalate into conflict; and are able to prevent parties from violating their side of the bargain. The ability of peacekeepers to discharge these tasks is, however, curtailed in practice by a number of factors. For example, peacekeepers may be deployed with inappropriate mandates in the sense that they may be mandated to undertake peacekeeping when the task on the ground actually demands a peace enforcement or protection of civilian mandate. The African Union Mission in Sudan (AMIS), which was deployed from 2004 to 2007, and the ECOMOG mission deployed to Liberia in 1990, illustrate this point. Peacekeeping missions may also be frustrated by lack of cooperation on the part of the belligerents, including the host government, as the ongoing Union/United Nations Hybrid Mission in Darfur (UNAMID) illustrates (Danso, 2016). It can, therefore, not be taken for granted that the presence of international peacekeepers or peacemakers would necessarily deliver long-lasting peace, particularly when they are deployed as a stabilization force.

One of the greatest sources of risks that peace operations and, indeed, the entire peace process face comes from "spoilers," recognized as "leaders and parties who believe that peace emerging from negotiations threaten their power, worldview and interest, and use violence to undermine attempts to achieve it" (Stedman, 1997, p. 5). While spoilers may be opportunistic, they are not irrational or "mad" (Aning, 1999). Rather, they are usually driven by a desire to maximize their own utility function by resorting to violence. In other words, spoilers act on the basis of rational cost-benefit analysis and anticipate gain when the economic opportunity cost of violence is lower. Aning (1999), thus, has it right when, in his analysis of the Liberian Civil War, he contends that "[t]he resort to violence by the NPFL and

other parties and their unwillingness to end the civil war correspondingly mirrored a rational choice analysis of the costs and benefits of continuing the war” (p. 340).

While the motivations of rank and file rebel fighters, as potential spoilers, may not always align with those of their commanders, these ex-combatants often remain susceptible to remobilization by warlords, particularly when they are not properly reintegrated. Ineffective or failed reintegration can increase the likelihood that ex-combatants will engage directly in one or another form of spoiler behavior, as the threat logic explains (see Chapter 1). It is against the backdrop of addressing the overriding threats posed by ex-combatants as potential spoilers of peace in volatile post-conflict settings that reintegration has emerged on the peacebuilding agenda. While reintegration is necessary for mitigating the potential threats posed by ex-combatants to post-conflict peace, the preoccupation with the threat narrative renders almost invisible, or totally forecloses, human agency at the community level. In other words, current approaches to reintegration and peacebuilding neglect the critical need for integrating and reconciling ex-combatants with survivors. Moreover, these approaches pay little attention to people-to-people peacebuilding and how citizens at the local level mobilize and take action to address injustices encountered in their own communities. Peacebuilding has instead tended to prioritize the strengthening of formal institutional arrangements as well as the institutionalization of liberal democracy and free market economics (Newman, 2011; Paris, 1997, 2002)

Liberal Institutionalism and the Prioritization of State Security

There often persist “micro,” or local level conflicts, in post-conflict settings, which, while having the potential to spiral out into “macro” level (national or regional) conflict, are usually described by the international community as “‘mere crisis’ rather than evidence that the war was continuing” (Autesserre, 2010, p. 42). The neglect of the “micro-foundations necessary for sustainable peace” reflects the dominant top-down approach to peacebuilding,

which presents local conflicts as mere consequences of state institutional failure (Autesserre, 2010; Newman, 2011). The response then, according to this logic, is to build strong state institutions, including the police, the courts, and the correction services that are able to address the security—thus the national security—challenges confronting the state, rather than the multiple human security challenges being encountered by people.

Newman (2011) calls into question the peace-sustaining potential of top-down approaches to peacebuilding, which, he argues, are often insensitive to local needs, aspirations, and realities. This is particularly evident when it comes to donor-driven justice programs. Prioritizing state institutions and structures, these programs pay little attention to “substantive content” or “appropriate ethos” necessary for restoring justice in post-conflict environments (Mani, 2002, p. 86). As a result, these programs succeed only temporarily in maintaining order or negative peace (the absence of war), rather than in creating a sustainable context for just social relations critical for human security (Llewellyn, 2012; Mani, 2002; Newman, 2011). Similarly, even though reintegration is primarily a relational matter, it is the order and security imperative of the state that seems to drive externally sponsored reintegration processes (Mani, 2002).

Newman (2011) traces the motivation for the top-down peacebuilding approach to: a) the motivations which drive externally sponsored peacebuilding programs; and b) the liberal institutionalist models that guide peacebuilding-related policy formulation, articulation, and implementation. According to Newman (2011), there is an emerging consensus that state fragility or “conflict-prone societies pose a threat to international security and stability” in the post-9/11 world system (p. 1740). As Fukuyama (2004a, p. 92, 2004b) observes, for example, “Weak and failing states have arguably become the single most important problem for international order.” The preoccupation with terrorism and other forms of macro conflict, however, divert attention away from multiple sources of grassroots conflict relating, for

example, to access over arable and grazing lands, as well as diverse forms of marginalization and exclusion, which have been at the heart of many conflicts in Africa (Paris, 2004).

The liberal institutionalist approach to peacebuilding, unlike peacebuilding as international security, holds that the main source of instability in weak and post conflict states derives from the “absence of effective state institutions,” and that by designing and building strong institutions as well as effective market conditions, the state would be able to overcome the “problem” (Fukuyama, 2004b; Newman, 2011, p. 1740; Paris, 2004). Consistent with this logic, liberal institutionalist peacebuilding has tended to place overriding emphasis on “institutionalization,” “marketization,” and “democratization,” not only as prescriptions for stability, but also as preconditions for donor support. This liberal orientation to peacebuilding, which emphasizes the role of external agencies and competitive politics and markets, peripheralizes or completely forecloses the role played by local agency, particularly in terms of building sound relationships among people (Newman, 2011, p. 1740; Paris, 2004).

While post-conflict states may become more stable once democratized, the process of democratization—through the competitive and confrontational arena of electoral politics—if not well managed or properly timed, can further polarize or factionalize local populations and complicate efforts at sustaining peace. The winner-takes-all or *zero-sum* precepts that underpin competitive elections means that a hasty call for an election—in which the election also serves as an important exit strategy indicator for the international community—in societies just emerging from war can prove counterproductive in the immediate or long-term (Barnett, 2006; Paris, 1997). Thus, the presentation of weak state institutions by the “liberal institutionalist script” as the “principal problem” is misleading in that it trivializes the significance of local contexts and content, local ethos, everyday political interchanges, local experiences, local institutions, and the needs of individuals and communities (Newman, 2011, p. 1742). Besides, the emphasis on national and international security renders the role

played by local agents of conflict transformation almost invisible. A major element of peacebuilding dominated by the security logic is the reintegration of ex-combatants, which also proceeds from the top-down (Jennings, 2007, 2008; McMullin, 2013).

A key objective of the security logic of reintegration appears to be the re-establishment of security and order through the containment of ex-combatants (Jennings, 2008; McMullin, 2013). Portraying ex-combatant unemployment as a threat to security, the threat logic emphasizes the removal of ex-combatant idleness in order to minimize the possibility of future recruitments (by warlords), while at the same time enabling the state to reassert its monopoly over the legitimate use of violence (Munive & Jakobson, 2012; Muggah, 2010; Verkoren et al., 2010). To achieve this goal, the strategy becomes one of improving the economic fortunes of ex-combatants.

As will be explained shortly, however, this strategy comes with a number of pitfalls that run counter to the security objectives the approach was designed to accomplish. Top-down reintegration is not only insensitive to local events and processes; it also ends up causing widespread disaffection among people at the community level, as the Liberian case discussed in Chapter 2 clearly illustrates (Asiedu & Berghs, 2012; Jennings, 2008; Republic of Liberia, 2009; Richards et al., 2004). The special treatment offered to ex-combatants (in the form of cash incentives, along with educational and vocational training opportunities) creates resentment and bitterness among survivors as they feel a renewed sense of victimization, undermining the integrative and reconciliation essence of reintegration. While the recognition of ex-combatants as a potential source of threat is necessary, for obvious reasons, reintegration needs to be conceptualized more broadly as a relational process in order to account for the multiple factors that influence the effective merger of ex-combatants into receiving communities.

The Centrality of Reintegration in DDR

As internal armed conflicts replaced inter-states conflicts as the most prevalent mode of warfare, following the demise of the Cold War, DDR (disarmament,²² demobilization,²³ and reintegration²⁴ of ex-combatants) “came to be recognized—and still is—as perhaps the single most important precondition for post-conflict stability” (Berdal & Ucko, 2009, p. 2). This recognition dates back to 1989, when the first DDR was undertaken by the UN Observer Group in Central America (ONUCA) (United Nations, 1999). Since then, virtually all UN peace missions have had DDR as a key mandate, manifesting in the implementation of no less than 60 DDR processes (Muggah, 2010). DDR forms an integral part of the overall peacebuilding process following the termination of armed violence. Widely acknowledged as an indispensable prerequisite for post-conflict stability (Schulhofer-Wohl & Sambanis, 2010; United Nations, 2000b, 2006a; UNDPKO, 1999), DDR rests on the assumption that effective disarmament, demobilization, and reintegration of ex-combatants can reduce the risk of conflict relapse (Berdal & Ucko, 2009; UNDPKO, 1999). This, it is believed, can happen when ex-combatants gain the capacity for employable skills and income (United Nations, 2006).

As explained in Chapter 1, the significance of DDR is tied to the perception of ex-combatants as “potential spoilers” of peace (Waldorf, 2009a, p. 20). In other words, the presence of ex-combatants—former members of an armed group registered or recognized as disarmed (UNDPKO, 1999), with “few alternatives to practicing their violent skill-sets”—it

²²The UN (2006a) defines disarmament as “the collection, documentation, control and disposal of small arms, ammunition, explosives and light and heavy weapons of combatants and often also of the civilian population. Disarmament also includes the development of responsible arms management programmes” (p. 8).

²³Demobilization is defined as the formal and controlled discharge of active combatants from armed forces or other armed groups. The first stage of demobilization may extend from the processing of individual combatants in temporary centres to the massing of troops in camps designated for this purpose (cantonment sites, encampments, assembly areas, or barracks). The second stage of demobilization encompasses the support package provided to the demobilized, which is called reinsertion (United Nations, 2006a, p. 8).

²⁴ See detailed discussions on reintegration in the next section.

is maintained, “poses a threat to consolidating gains made in peace processes” (Schulhofer-Wohl & Sambanis, 2010, p. 1). As peace renders their combat skills redundant, ex-combatants become a ticking “time bomb” waiting to explode (Gear, 2002; Mashike, 2004). Why? Because ex-combatants might engage in spoiler behavior and undermine the fledgling peace following their disarmament and demobilization if they lack alternative sources of income and livelihood. In other words, if ex-combatants are not equipped with the capacity for “sustainable employment and income” (United Nation, 2006, para. 27) that gives them a stake in the emergent economic order, they will revert to a life of violence and banditry and undermine the fledgling peace (de Vries & Wiegink, 2011; Schulhofer-Wohl & Sambanis, 2010; Stedman, 1997; Waldorf, 2009a, p. 20).

Although the disarmament and demobilization components of DDR are crucial, the reintegration component is particularly emphasized, at least in rhetoric. While disarmament and demobilization may respectively succeed in retrieving their guns and disbanding ex-combatants, it is successful reintegration that limits the likelihood of remobilization by warlords or direct engagement in violent crimes (Munive & Jakobson, 2012; Ozerdem, 2012; Podder, 2012). Thus, the gains made in disarming and demobilizing ex-combatants will be adversely affected if reintegration fails. It is for this reason that reintegration has been singled out as “the most important aspect” of DDR, and perhaps the most critical element in post-conflict transitional processes (Ozerdem, 2012, p. 51; United Nations, 2005). While each DDR process may come with its own context-specific attributes, the ultimate objective of the process in each case remains the same: to contribute towards ensuring security and stability in post-conflict environments (Berdal & Ucko, 2009; Schulhofer-Wohl & Sambanis, 2010; United Nations, 2006, 2010). Similarly, the substantive question that defines DDR analytic research has remained the same: How can the threat posed by ex-combatants to post-conflict

stability be mitigated (Berdal & Ucko, 2009)? The question of how just and enduring relationships can be restored has yet to be given adequate attention, as explained below.

Reintegration as Peacebuilding

What Reintegration Entails

Reintegration is the third element of a three-pronged successive process involving the disarmament, demobilization, and reintegration of ex-combatants into society following the termination of civil war. According to the United Nations (2006a), reintegration refers to:

[T]he process by which ex-combatants acquire civilian status and gain sustainable employment and income. Reintegration is essentially a social and economic process with an open timeframe, primarily taking place in communities at the local level. It is part of the general development of a country and a national responsibility, and often necessitates long-term external assistance. (p. 8)

Aspects of this definition merit attention. First, reintegration is a process (not a program) intended to transform the “combatant” identity to one of civilian identity (Torjesen, 2013). Second, change in identity is expected to be accompanied by desired behavioral change in the economic, political, and social aspects of the ex-combatant’s interaction with his/her community. Third, the process of reintegration—that is, the transformation in economic, political, and social interactions—is a community or relational affair both in qualitative and spatial terms.

Political reintegration is said to have occurred when ex-combatants renounce the resort to violence as a means for obtaining political effect, and are able to “enter into mainstream politics at the local, regional, or national level either as individual voters or as political advocates or representatives of a larger group” (Torjesen, 2013, p. 4). Economic reintegration, on the other hand, involves the processes through which ex-combatants “gain sustainable employment and income” (United Nations 2006a, p. 8). In Liberia and elsewhere,

the economic dimension of reintegration was the only element of the three-pronged process that was given any due attention. Economic reintegration seeks to improve economic opportunities for ex-combatants, usually through education and vocational training, transitional settlement allowances, the provision of start-up capital for small-scale businesses, or cash incentives (Schulhofer-Wohl & Sambanis, 2010; Republic of Liberia, 2009; United Nations, 2010). Economic reintegration is considered successful when ex-combatants dispense with wartime economic activities linked with “militia networks” or banditry and obtain the capacity to engage in legitimate economic enterprises. Although economic reintegration does not appear to be the most crucial determinant of reintegration success, it currently occupies the center stage of all reintegration processes (Humphreys & Weinstein (2007; Shaw, 2010).

Social reintegration, the third and most important dimension of reintegration (Ozerdem, 2012), is often defined in terms of the extent to which “combatants reduce their contact and reliance on the militia networks and enhance their interaction with mainstream communities and family” (Torjesen, 2013, p. 4). This conception of social reintegration is narrow, however, and fails to capture the important element of community reception—meaning whether or not members of the receiving community will accept returning ex-combatants. Ex-combatant integration or reconciliation with survivors or the larger non-combatant community is taken to be natural and given, while the failure to sever ties between ex-combatants and their factions or factional commanders is regarded as the main threat to the success of reintegration. The thinking is that ex-combatants will successfully merge into receiving communities once they succeed in breaking ties with their various factions. But this does not seem to be the case. Ex-combatants sometimes find it difficult to integrate into non-combatant civil communities, not because they still maintain contact with their factions, but because they are accorded negative reception by the community (see Chapter 6). Among

other reasons, the survivors of ex-combatant abuse may want to exact private revenge or “self-help” justice of one sort or another (Huysse, 2008; Republic of Liberia, 2009).

Similarly, the fact that ex-combatants may participate in UNDP-sponsored vocational training program and acquire new livelihood skills does not necessarily mean that they will receive positive reception upon return. While the acquisition and application of new livelihood skills is important, skill or job acquisition seems subsequent to community acceptance in that people’s negative perceptions about an ex-combatant are not likely to change much just because they are able to serve as carpenters or teachers. Economic reintegration alone is inadequate for successful mergers of ex-combatants into civil communities. Reintegration success is also influenced by people’s perceptions of the justice obtained for wartime abuses suffered at the hands of ex-combatants. The degree of justice received by survivors in turn influences the nature of the reception accorded to ex-combatants—whether positive or negative.

A number of DDR scholars (Kaplan & Nussio, 2015; Podder, 2012; Torjesen, 2013) have advanced community reception as crucial to reintegration. Yet, they are virtually silent on the issue of justice and the role it can potentially play in fulfilling the goals of reintegration, despite its centrality to transitional justice or peacebuilding discourses. As emphasized earlier, current approaches to peacebuilding, including transitional justice and ex-combatant reintegration, overlook the relational dimension of conflict and conflict transformation (Botes, 2003). The tendency in reintegration policy and scholarship to leave out people’s justice concerns seems to derive from the inability of the dominant formal criminal justice system or the justice of retribution to accommodate both peace and justice simultaneously. In other words, existing theoretical perspectives on justice do not adequately explain how the post-conflict demands for justice and peace can be met concurrently. Although transitional justice, manifesting most obviously in the form of trials and truth

commissions, continues to seize scholarly attention, it has largely failed to deliver the goals of reconciliation and reintegration (Mani, 2005).

In this study, the concept of relational justice is proposed as a more effective and broader framework that can accommodate the requirements of peace and justice in post-conflict societies. The study, thus, departs from the current unidirectional approach to the study of reintegration—and transitional justice more generally—to a bidirectional approach, which focuses on both the ex-combatants and the community-driven determinants. Based on the claim that there can be no peace without justice and vice-versa, relational justice conceives of peace and justice as “two sides of the same coin.” Aside from its capacity to accommodate the concurrent demand for peace and justice, relational justice—as presented in Chapter 6—gives agency to people, thereby going beyond the idea of the state as the sole legitimate forum for seeking justice.

Determinants of Reintegration Success

Two questions are basic to the reintegration discourse: First, what qualifies a particular post-conflict process as reintegration? This immediately suggests the further question: Which factors determine reintegration success? In order to know what to focus attention and resources on, it seems necessary to know what counts. But who decides what counts? If the decision as to what counts is made by constituencies or groups other than those who stand to be impacted most by the resulting policy choices or outcomes, two things are likely to happen: either decisions reflect the priorities of those who have the privilege to decide, or key priorities of the constituency, which should be central to policy decisions, are kept from the policy agenda. The latter seems to have happened in the case of Liberia, in that fundamental considerations relating to such imperatives as “truth,” “apology,” “justice,” “forgiveness,” or “reconciliation,” which many Liberians see as critical for positive reception,

were missing completely from the economic-driven UNMIL-led reintegration process (see Chapter 2).

Since the late 1990s, as explained above, the UN has held the view that the absence of reintegration, or the “ineffective reintegration of ex-combatants into civil society,” may lead to armed criminality by those former soldiers who have no other means of earning a living” (United Nations, 1999, p. 16). Guided by this understanding, reintegration processes sponsored by the international community—the UNDP and World Bank included—have been dominated by such support interventions as educational scholarships and vocational training, as well as the provision of start-up capital for small scale businesses, through which ex-combatants can “gain sustainable employment and income” (United Nations, 2006, p. 18). Not only are such reintegration packages targeted at ex-combatants to the neglect of the receiving community, but the disproportionate focus on economic reintegration also means that attention is usually diverted away from social reintegration, including the justice concerns of survivors of wartime atrocities. This has led to a perception that ex-combatants are rewarded for wartime atrocities, further alienating the community and complicating the entire reintegration process (TRC of Liberia, 2009).

Recognizing the importance of local participation and ownership of the DDR (including reintegration) process, the UN has emphasized the need to shift from a “minimalist” to a “maximalist” approach to reintegration and security issues, as reflected by its adoption of the *Integrated Disarmament, Demobilization and Reintegration Standards* (Muggah, 2010; United Nations, 2006b). Likewise, the Stockholm Initiative on Disarmament Demobilization and Reintegration (SIDDR) report, edited by L. Sundh and J. Schjørlie, (2006, p. 14) draws attention to the importance of local community participation in DDR in order to build local capacity to absorb returning soldiers and to prevent tensions from arising between members of the civilian community and ex-combatants. The SIDDR (2006) calls for

a broader approach to reintegration that supports both ex-combatants and war-affected communities as a way to “address the claim that DDR programs reward those willing to bear arms” (p. 27). Recognizing that economic reintegration is not enough to ensure reintegration of ex-combatants into receiving communities, the SIDDR report further calls for the “linking [of] DDR programmes with transitional justice and reconciliation measures,” emphasizing that “there can hardly be sustainable peace without justice, nor can there be reconciliation without justice” (p. 30). While the attention drawn by the report to justice and reconciliation is laudable, it does not suggest practical approaches through which ex-combatant-related atrocities can be redressed in the context of reintegration. The questions of how people’s concerns for justice can be addressed, and how matters of justice influence the nature of community reception and reintegration outcomes, remain unanswered.

Perhaps the boldest attempt made by the UN (2010) at enhancing local participation and ownership of DDR, including reintegration, manifests in its *Second Generation DDR Practices in Peace Operations*, which is intended to shift the focus of DDR “away from military structures towards the community as a whole” (p. 3). This shift in focus, however, seems rather perfunctory in that it targets the concerns of ex-combatants, which remain the priority of UN reintegration programs. For instance, although the “Second Generation DDR” highlights the importance of “community-oriented and integrated approaches to employment and alternative livelihood,” the references to “employment” and “livelihood” relate to the needs of ex-combatants, but not necessarily those of victims or survivors of violence.

Research suggests that improvements in individuals’ economic circumstances reduce their chances of engaging in crime, violence, or armed conflict (Becker, 1968; Collier & Hoeffler 2004; Schulhofer-Wohl & Sambanis, 2010). Such findings seem to have had significant influence on the current income-driven approach to reintegration, leading to the conclusion that reintegration is not likely to succeed until ex-combatants are able to find

alternative sources of income. Based on their study of the DDR process in Sierra Leone, however, Humphreys and Weinstein (2007) find little evidence that participation in a DDR program helps ex-combatants to secure employment. Shaw (2010) also observes that reintegration has a better chance of success when external assistance to ex-combatants dries up. Dwindling support reduces perceptions of preferential treatment and disaffection or resentment towards ex-combatants. Preferential treatment ends up “segregating and creating a market for ex-combatants [which in turn] may cement the division between ex-combatants and civilian society” (Jennings, 2007, p. 211). Indeed, peacekeeping economies, at least in the context of Liberia, have been shown to spawn unintended consequences for post-conflict states (Aning & Edu-Afful, 2013).

Moreover, based on the same data, Humphreys and Weinstein (2007) find little evidence that participation in DDR helps ex-combatants sever ties with wartime comrades or commanders, gain acceptance by family, or develop democratic attitudes. However, they do find that “[p]ast participation in an abusive military faction is the strongest predictor of difficulty in achieving social reintegration” (Humphreys & Weinstein, 2007, p. 531). A similar study on reintegration in Liberia revealed that “wartime factional affiliation affected the nature of community reception” and the likelihood of reintegration success (Podder, 2012, p. 193). Positive reception from family and community is thought to have positive impact on reintegration and vice-versa. Podder (2012) finds that combatants who protected their families and community during the war were generally accorded positive reception. Thus, when ex-combatants were perceived as having played positive roles (such as community protection) during the war, they were more likely to receive positive reception when they sought to reintegrate into the receiving communities than otherwise (Aning & Edu-Afful, 2013).

The findings that participation in abusive factions and the perpetration of human rights violations make it difficult for ex-combatants to reintegrate successfully are useful, forming an important first step. What these researchers did not do, however, was to explore further or show how people's concerns for justice shape the nature of the reception they are likely to extend to ex-combatants. Similarly, extant works say very little in terms of how negative reception could be transformed into positive reception by meeting people's demands for justice. A major contribution of the current study relates to the explanation it offers in terms of how the restoration of relational justice transforms negative reception into positive reception, enabling the possible successful reintegration of ex-combatants. This sets the current study apart from existing literature in significant respects.

Restoring Justice After Civil War: From Retributive to Relational Justice

Peace vs. Justice?

How can post-conflict states and societies overcome wartime injustices perpetrated against civilian populations? How should they deal with wartime atrocities? Should they pursue peace, or should they pursue justice? Should they grant amnesty or should they seek punishment? The seeming dilemmas entailed in these basic and recurring questions have for decades remained the subject matter of many scholarly discourses around transitional justice and post-conflict peacebuilding (Hayner, 2011; Mani, 2002; Perry & Sayndee, 2015; Rigby, 2001; Rotberg & Thompson, 2000; Teitel, 2000; Villa-Vicencio, 2009). A fundamental claim often made is that if past injustices are not addressed, the legitimacy of the emergent administration or dispensation may be undermined, and "peace will flounder as consequence" (Mani, 2002, p. 4). The failure to address wartime human rights violations, it is maintained, can inspire private revenge or "self-help justice," such as "vigilante justice, summary executions and spirals of revenge," which can heighten the risk of peace failure and hinder attempts to foster peaceful coexistence in communities (Huyse, 2008, p. 4). Similarly, the

idea of granting amnesty to alleged war criminals can prove counterproductive in that amnesty can be interpreted as “impunity, which itself can be a trigger for further conflict” (Pankhurst, 1999, p. 242).

Indeed, post-conflict environments often face a myriad of institutional and logistical challenges that make the pursuit of criminal justice extremely difficult, as explained in Chapter 1. Even if these challenges are addressed, there remain critical political impediments such as the reluctance of rebel factions or ex-combatants to disarm when faced with imminent criminal accountability (Huyse, 2008; Kuwali, 2012; Witte, 2009; Villa-Vicencio, 2009). Also, combatants may be less willing to disarm, or might even take up arms against the new regime, if they interpret potential prosecution as victors’ justice (Witte, 2009). Furthermore, the “adversarial and confrontational” rituals that mark judicial calisthenics can further polarize society, leading to potential backlash and relapse into violence (Mani, 2005).

Given these dilemmas, how should post-conflict societies deal with past atrocities? As the question is frequently posed, should they “prioritize peace or justice?” This question, as noted earlier (see Chapter 1), reflects the so-called peace versus justice debate (Keller, 2008; Moreno-Ocampo, 2007; Rigby, 2001; Teitel, 2000; Witte, 2009; Villa-Vicencio, 2009), which presents justice as a competitor to peace and vice versa (Llewellyn, 2012). As Llewellyn (2012) contends, to some extent, this “logic of silos,” or the compartmentalization of peace and justice, seems to arise as a consequence of the reductionism inherent in the conceptualization of justice as retribution, as well as the exclusive focus on the agency of the state as the sole legitimate medium for pursuing justice (p. 293). The prioritization of the justice of retribution often leads to peace and justice being cast into binary frames of mutual exclusivity.

More than Meets the Eye

In an August 2004 report, the Secretary-General of the United Nations maintained that “the question . . . can never be whether to pursue justice and accountability, but rather when and how” (United Nations, 2004, para. 21). While the pursuit of justice and accountability is a must in order to redress the widespread injustices experienced by people during conflicts, it is unlikely that this goal will be achieved within the framework of the dominant Western rational-legal justice favored by external agencies (or transitional justice as currently pursued through trials and truth commissions). The point is not that criminal prosecution per se cannot be pursued following the termination of war. For example, the Nuremberg and Tokyo tribunals instituted after World War II to try German and Japanese war crime suspects succeeded fairly well (Bukuluki, 2011; Huyse, 2008).

While most of the civil wars in Africa, including the cases of Liberia and the 1994 Rwandan genocide, have been typified by international crimes—genocide, war crimes, and crimes against humanity—that were also the focus of the Nuremberg and Tokyo trials, there are contextual differences that make criminal prosecution manifestly unrealistic in many post-civil war situations. Unlike the European context, in which victims and perpetrators could be distinguished, the lines are often blurred in the context of civil war where “everybody fought” and everyone is a victim (Jennings, 2007, p. 211; Kaldor, 2007; Snow, 1996; Bangura, 1997). According to Rigby (2001, p. 4), criminal prosecutions and purges are likely to be pursued under the following conditions:

- When there is the will of the vast majority of citizens to call to account the perpetrators of atrocities;
- When the new regime has the power and ability to pursue justice without risking political and social stability; and

- When the new regime has come to power through outright victory over the potential targets of persecution and purges.

While these conditions might have prevailed in post-war Europe, the situation is often different following the end of civil war in Africa. First, given that civil wars in Africa are sometimes fought along ethnic lines, and considering the sheer number of those complicit in atrocities, it becomes difficult to pursue criminal prosecution without it being perceived as vengeance or victor's justice (Pankhurst, 1999; Republic of Liberia, 2009; Villa-Vicencio, 2009). Second, virtually all the civil wars in Africa have ended through the signing of peace agreements, implying that perpetrators can reject any possibility of criminal prosecution beforehand. And third, as discussed earlier, the institutions of criminal justice, including the police, the statutory courts, and the prisons (as well as the legislative arm of government) are often rendered dysfunctional or heavily delegitimized either before or during conflict, making prosecution unrealistic. Recent research findings indicating that "most Liberians" prefer indigenous approaches to justice rather than formal legal prosecution suggests that there is more to the conception of justice in Liberia, and indeed many African societies, than meets the eye of the Western formal-legal idea of justice (Isser et al., 2009; Sandefur & Siddiqi, 2011, 2012), in that there is more to justice in relational communities than one sees at first glance. A discussion of indigenous justice mechanisms follows, after brief conceptual clarifications regarding the question of justice.

What is Justice?

Although definitions of justice vary in the literature (Barry, 1995; Kelsen, 1971; Rawls, 1999; Sen, 1990), most definitions converge around the notion of justice as giving each person his or her due (Aristotle, trans. 1999; Cook & Hegtvedt, 1983; Dukor, 1997). As Cohen (1986) explains, "justice concerns ensuring that each person receives what she or he is due" (p. 1). Buchanan and Mathieu (1986) advance a similar idea: "Justice is usually said to

exist when a person receives that to which he or she is entitled, namely, exactly those benefits and burdens that are due to the individual because of his or her particular characteristics and circumstances” (p.11). That is, “of what they severally ‘have a right to,’ or at any rate ‘have a right to expect’” (Garvin, 1945, p. 271).

The idea of “giving to each person his or her due” immediately prompts further questions regarding what each person might be due. How is each person’s “due” to be determined? Responses to these questions are usually provided based on different conceptions of justice. Thus, while there is not much controversy over the ontology of justice—that is, the idea that justice is a “living concept” (Dukor, 1997, p. 497)—there are multiple and diverse interpretations of what constitutes justice, resulting in alternative conceptions of the term. As Rawls (1999) explains, “It seems natural to think of the concept of justice as distinct from the various conceptions of justice” (p. 5), suggesting the existence of diverse premises and approaches for distinguishing between the just and unjust.

Key Conceptions of Justice

The various ideas that constitute the content of justice are believed to center around two major conceptions of justice understood as the basic division between types of justice: the conception of justice as distribution and the conception of justice as retribution (Buchanan & Mathieu, 1986, p. 13; Stawell, 1908). Others include procedural justice, symbolic justice and restorative justice. Before discussing them in detail, it is significant to note that the various conceptions of justice represent “ideal types” in the Weberian sense. Also, there might exist overlaps among and between them.

Distributive Justice

The justice of distribution, which is also termed social justice, broadly concerns general fairness in the allocation of political and economic resources in society (Buchanan & Mathieu, 1986; Cook & Hegtvedt, 1983; Deutsch, 1975; Estrada-Hollenbeck, 2001; Mani,

2002; Maiese, 2003). According to Cook and Hegtvedt (1983), “Allocation occurs when an allocator distributes valued rewards, resources, rights, obligations, etc., to an array of recipients” (p. 219). In situations of allocation, recipients are sensitive not only to the size of reward they receive, but individuals and groups also react to the size of a reward received by others. Particularly, people will react when they believe the applicable rule of distribution has been violated. Distributive justice relates to the ideals of equality and equal opportunity, and distributive-related conflicts usually arise as an outcome of exclusionary politics, which marginalizes segments of society and manifests in inequitable distribution and access to public resources.

Retributive Justice

The justice of retribution, unlike distributive justice, is concerned with the justice of punishment (Estrada-Hollenbeck, 2001; Garvin, 1945; Mani, 2002; Rigby, 2001). In a retributive context, punishment is regarded as a necessary response to the deliberate infliction of harm on another person by a perpetrator. The essence of punishment is usually analyzed from a *deontological standpoint*, which conceives certain modes of behavior as “binding in their very nature” and “[carrying] their own moral validity quite apart from any consequences they might have.” Certain actions possess direct merit or demerit and for that reason alone “deserve” reward or “penalty” (Garvin, 1945, p. 271).

Those who subscribe to punishment from a deontological perspective argue that “wrongdoing must be punished simply because the wrongful act merits condemnation and punishment” (Mani, 2002). Retributivists maintain that it is simply just and proper, and even obligatory, to punish the harm-doer irrespective of the merits that may arise from so doing. However, as Mani (2002) contends, there is a *utilitarian* and *consequentialist* perspective to punishment, which maintains that punishment should be exacted only to the extent that it

serves some public good, including the following: deterrence, exclusion/isolation/incapacitation (the “incapacitation effect”), and rehabilitation (p. 32).

Procedural Justice

Individuals and groups in a context of social exchange do not only evaluate the fairness of distribution of resources and punishment; they also evaluate the fairness of the “mechanisms or procedures involved” (Cook & Hegtvedt, 1983, p. 219; Folger, 1977). Empirical studies show that groups and individuals “react to third-party allocations and dispute resolution decisions by evaluating their fairness” (Tyler, 1994, p. 850). Thus, procedural justice occurs when groups and individuals perceive the procedure used in allocating resources or “the procedure by which people attain justice” as fair (Estrada-Hollenbeck, 2001, p. 66; Maiese, 2003). For example, it is claimed that victims derive more satisfaction from the symbolic value of prosecution than from its outcomes (Mani, 2002). Questions about procedural justice may focus, for example, on the degree of participation of stakeholders in the process of determining how allocations will be made and who will serve as the allocator or the judge.

Symbolic Justice

Symbolic justice, similar to restorative justice, occurs when apologies are rendered by perpetrators themselves or when a public apology or statement is offered, for example, by a head of state, in the spirit of restoring the good name or reputation of individuals or groups who are the victims of injustice (Mani, 2002, p. 114; Lambourne, 2001; Rigby, 2001). Symbolic justice usually takes the form of “erecting memorials or monuments, dedicating a day of remembering to pay respect to victims, and creating museums (Mani, 2002, p. 115). It can also take the form of annual public lectures and the rewriting of history and school textbooks. Rigby (2001) adds that symbolic and restorative justice often complement one another.

Restorative Justice

Restorative justice is one of the most frequently discussed alternatives to trials, particularly in transitional settings when retributive justice proves unsuitable (Estrada-Hollenbeck, 2001; Rigby, 2002). Unlike legalistic/retributive justice, restorative justice emphasizes the effective participation of all stakeholders, particularly those most affected by conflict in the transformation process (Estrada-Hollenbeck, 2001). Ultimately, restorative justice aims at “making right the wrong” (Peachy, 1989, p. 302) and bringing closure to the emotional wounds of victims (Igreja & Dias-Lambranca, 2008). In a sense, it is also beneficial to offenders, as it helps to restore broken relationships and reintegrate them into society. This is normally done through the provision of information, truth-telling, and restitution, and by ensuring offender accountability through the acknowledgement of responsibility (Zehr, 2002). This means that restorative justice has tremendous traction in the context of transitional justice, which includes truth and reconciliation commissions (TRCs).

Unlike trials, which are offender-centered, TRCs are victim-centered, and usually aim at uncovering the truth (Mani, 2002; Rigby, 2001). TRCs focus on “giving voice to victims, explaining the root causes of violence, constructing historical narratives, and issuing policy recommendations for redress and future prevention” (Waldorf, 2009b, p. 111). The strength of TRCs (Mani, 2002, p. 101; Rigby, 2001, p. 8) lies in the fact that they are less adversarial and central to the promotion of reconciliation in a manner that trials cannot be; it is possible to uncover more effectively accounts and patterns of past atrocities through TRCs than trials will permit; they enable victims to be heard in a non-threatening environment; and they may be therapeutic (Doak, 2011).

TRCs have, nonetheless, faced a range of criticism for failing to fulfill the aims of reconciliation (Mani, 2005). Among other charges, TRCs have been criticized for their narrow focus on “victims” and “perpetrators” while excluding the indirect survivors of

injustices, whether or not their inclusion and participation in the TRC process is necessary (Mani, 2005). Mamdani (2000) articulates this limitation while reflecting on the South African TRCs process:

The TRC's version of truth was established through narrow lenses, crafted to reflect the experiences of a tiny minority. This tiny minority included two groups, on the one hand perpetrators, being state agents, and on the other, victims, being political activists. The TRC defined over 20,000 South Africans as the 'victims' of Apartheid, leaving the vast majority in the proverbial cold. (p. 178)

In addition, TRCs are geographically removed from the site where reconciliation actually occurs. As a result, it is only those who have the logistical means to travel to cities where the process is usually conducted who can participate in the process. In other words, participation in TRC processes is hugely curtailed. People may participate when they have the means to travel and appear before the TRC. Moreover, as an ad hoc process, the impact of TRCs on the restoration of relationships can prove slight and ephemeral. Waldorf (2009b, p. 111) criticizes TRCs on the specific grounds that they are unable to uncover the whole truth; they have the potential to undermine reconciliation. Furthermore, TRCs may be culturally insensitive or inappropriate, as they are partly Western, raising questions about their legitimacy. While TRCs are not statutory courts, they appear as quasi-judicial courts in terms of how they are legislated into being, the powers that accompany their mandate, and how they discharge their mandate.

For example, the National Reconciliation Commission of Ghana (NRC), which operated from January 14, 2003-October 14, 2004, among other things, had the power to "cause any person who refuses to comply with an order or directives of the Commission or acts in any manner contemptuous of the Commission to be charged with contempt of court and for that person to be tried at the High Court" (Republic of Ghana, 2002, part 1, p. 13).

The TRC may, therefore, appear as an imposition on people in relational communities (Waldorf, 2009b). In addition, its court-like features may be unsuitable for rebuilding sustained relationships in relational communities. The semi-formal attributes of the TRC do not allow space for local cultural practices, including the performance of rituals that are perceived as important for reconciliation.

Another problem is that TRCs are accused of sacrificing justice, or at best, providing partial justice (Llewellyn, 2012; Mani, 2002; Rigby, 2001). Mani (2005), then, has it right when she observes, “A badly done commission may be worse than no commission at all, as the opportunity for justice will be lost and is unlikely to be repeated” (p. 517). Also, the requirements of “a broad and clear mandate; political support during and after the enquiry, including political will and commitment to carry through reforms and recommendations; sufficient resources; and full access,” are all essential prerequisites for successful TRC processes, but rarely fulfilled in post-conflict environments (Mani, 2005, p. 518).

The limitations of TRCs, particularly their inability to fulfill the aims of reconciliation, lead Mani (2005) to the conclusion that “[i]t is perhaps misleading to include ‘reconciliation’ in the title of Truth Commissions” (p. 519). More fundamental than the issue of title—the multiple limitations of TRCs, and restorative justice, for that matter—is the need for a much broader and eclectic framework capable of meeting the multiple demands for justice and reconciliation of peace in post-conflict societies. This is to be found in the proposed concept of relational justice, which is at the heart of this research. Relational justice is practiced mainly in relational communities, through indigenous justice processes. The discussion of relational justice is, therefore, preceded by basic explanations of relational, non-relational, and quasi-relational communities. I also discuss key ideas on indigenous approaches to justice.

Relational, Non-relational, and Quasi-Relational Communities

The 19th-century German sociologist, Ferdinand Tönnies (1855-1936), in his book *Gemeinschaft und Gesellschaft* (first published in 1887), distinguishes between two major typologies of social organization: *Gemeinschaft* and *Gesellschaft* (1957). *Gemeinschaft* generally translates as community, while *Gesellschaft* translates as society. Writing from the setting of 19th-century German/European society, Tönnies construed the historical development of society as a transition from *Gemeinschaft*, or community-based relationships, marked by a strong sense of community, to *Gesellschaft*, or society-based relationships, characterized by fairly weak social ties. Relationships in *Gemeinschaft*/community are real or organic, whereas the types of relationships found in *Gesellschaft*/society are mechanical or superficial. As Tönnies (1957) points out, “The relationship itself, and also the resulting association, is conceived of either as real and organic life, which is the essential characteristic of *Gemeinschaft* (community)—or as imagery or mechanical structure, which is the concept of *Gesellschaft* (society)” (p. 33).

This transition from *Gemeinschaft*/community to *Gesellschaft*/society, according to Tönnies (1957), is characterized by a shift from collectivism or collectivist social arrangements to individualism or individualist societies. In other words, people move from social collectives based on a shared will, kinship ties, intimate face-to-face or personal relationships/interactions, and close-knit neighborhood ties (*Gemeinschaft*/community), to social collectives that rest on the will of individuals, individual-interests, impersonal-interpersonal relationships, representation, and complex functional/role differentiation (*Gesellschaft*/society). As Tönnies (1957) explains,

All intimate, private, and exclusive living together, so we discover, is understood as life in *Gemeinschaft* (community). *Gesellschaft* (society) is public life—it is the world

itself. In *Gemeinschaft* with one's family, one lives from birth on, bound to it in weal or woe. One goes into *Gesellschaft* as one goes into a strange country. (p. 33)

Thus, in *Gemeinschaft*, which is also characterized by an agrarian economy, there is “the lasting and genuine form of living together,” whereas relationships in *Gesellschaft* become “transitory and superficial.” Accordingly, *Gemeinschaft* should be understood as a living organism, *Gesellschaft* as a mechanical aggregate and artefact” (Tönnies, 1957, p. 35). Communities, are associated with common identities or kinships, “language,” “folkways or mores,” or “beliefs,” while societies involve “business, travel or sciences” (Tönnies, 1957, p. 34). For Tönnies, the real “foundation of unity” in communities “in the first place is closeness of blood relationship and mixture of blood,” and also in “physical proximity” as well as “intellectual proximity” (p. 84). In such communities, “will by feeling” manifests in customs and traditions, whereas “will by thought” in societies is reflected through statutory laws and formal-legal institutions. Also, unlike the *Gemeinschaft* economy, which is agrarian, the economy of *Gesellschaft* is typically industrial.

Although the 19th-century European setting from which Tönnies (1957) wrote differs from the context of the contemporary West African state of Liberia, his categorization of the typologies of social organization—communities and societies—reflects, to a significant extent, the type of social ties or modes of social organization prevalent in many African states and societies, including Liberia. It is significant to note, however, that relational ties in Liberia (and many other countries in Africa) do not fall neatly into the sharp binary categorization represented by Tönnies' community and society; these categories are “ideal type” concepts. In Liberia, there is a complex interface between the community and the society, between the modern state and the traditional state (“traditional” institutions of governance) (Jaye & Bloh, 2015), or, better still, between the relational community and the non-relational community. This is because the relational community and non-relational

community, which respectively correspond to *Gemeinschaft* and *Gesellschaft*, overlap, giving rise to other forms of relationships or communities. This is explained in detail under quasi-relational communities below.

In the meantime, suffice it to say that most of the attributes associated with either the community or the society are present in Liberia. For example, Liberia has a dual justice system under which formal statutory justice, analogous to the delivery of justice in society/*Gesellschaft*, operates side-by-side with customary justice, similar to the justice-type in community/*Gemeinschaft* (Republic of Liberia, 2001). The formal justice system, which applies both statutory and customary laws, forms part of the modern state system and structure in urban cosmopolitan areas such as Monrovia. At the apex of the statutory legal system is the Supreme Court. Presided over by the Chief Justice, the Supreme Court has jurisdiction over all constitutional matters and also serves as the ultimate court of appeal (Republic of Liberia, 1986). Next to the Supreme Court are a number of circuit courts presided over by circuit court judges. The circuit courts have jurisdiction over civil and criminal cases that include rape, murder, and armed robbery. They also have appellate jurisdiction to review cases appealed from the lower courts, or the courts of first instance. At the lower or community level are magistrates' courts, headed by magistrates, and justices of the peace courts, headed by justices of the peace.

In urban centers, grievances are mostly aired and redress is sought through the statutory legal system. Yet, even in the nation's capital, Monrovia, it is not uncommon for people to resort to customary/traditional forums of justice, as explained below. In rural communities, including Gbojay Town, on the contrary, it is customary justice which is mainly resorted to. In Liberia's relational communities, justice is delivered mainly, but not exclusively, through the Palava Hut process.

In order not to confuse Tönnies' community-society categorization with the political distinction between state and society, I prefer to use the terms *relational communities* and *non-relational communities* to describe the two major forms of structured social living common in Liberia. Emerging from both relational and non-relational communities is a third variant of social ties, which I term *quasi-relational communities*. Relational, non-relational, and quasi-relational communities, in the context of Liberia, and drawing on insights from Tönnies (1957), are delineated below:

- *Relational communities*: These are close-knit homogeneous communities whose members share a common sense of identity/kinship, language, religion, norms, and values, but who also place strong emphasis on the values of collectivism, rather than individualism, manifesting in a strong and binding sense of community. In relational communities, the basis of group cohesion and solidarity is to be found not only in shared norms and values or common convictions/goals, but also in kinship ties or familial affinities. This also means that the rights or interests of the community in relational communities are prioritized over those of the individual members; the individual is subordinated to the community. Relational communities in Liberia are administered mostly through customary law, and they are also Palava Hut or Palava Hut-like practicing communities. In relational communities, the ultimate goal of justice is seen in terms of building sound relationships. The dominant conception of justice in these communities is, therefore, relational justice.
- *Non-relational communities*: The polar opposite of relational communities, non-relational communities are characterized by a weak sense of belongingness, as the coexisting members are largely independent of each other, basing what sense of relationship they share on common goals, traits, or other Phenomena rather than on shared intimate identity or feelings. In Liberia, non-relational communities are mostly

found in cosmopolitan urban centers where members mostly seek justice through the statutory legal system. Therefore, the dominant conception of justice in non-relational communities is the justice of retribution.

- *Quasi-relational communities*: Emerging at the interface between relational and non-relational communities, quasi-relational communities reflect the dynamic interplay between change and continuity. Thus, they are partly relational and partly non-relational. Quasi-relational communities are found within the urban non-relational communities (but not in relational communities). They represent the “rural in the urban.” When people migrate from relational to non-relational communities, they usually do not leave their culture or identity behind. While a group sharing the same identity and cultural may converge and manifest their culture in a non-relational community, such cultural manifestations occur under the heavy influence of urban politics and culture. This implies that these groups seldom can manifest their culture in its pure form, but in a quasi-form, consisting of aspects of both their original culture and their inherited culture. In the quasi-relational communities in Monrovia, for example, justice is mainly sought through the Palava Hut process. But this is usually a modified form of the original Palava Hut practiced in the countryside. Moreover, the members of the quasi-relational communities have available to them statutory legal avenues, which are absent to a large degree in the relational communities.

Indigenous Ideas about Justice

Although TRCs serve as an important corrective to critical pitfalls inherent in statutory justice, they also come with their unique challenges, which to some degree derive from the failure to contextualize TRC processes to the peculiarities of the communities and societies in which they are deployed. Many African societies have indigenous justice and

conflict transformation mechanisms that are able to respond more directly to the needs of the communities in which they have evolved. Research suggests that such indigenous mechanisms are preferred by the overwhelming majority of people in post-conflict societies. For instance, more “than 80 to 90% of day-to-day disputes in Africa are said to be resolved through non-state systems such as traditional authorities” (Piron, 2006, as cited in Tamanaha, 2011, p. 3). Empirical research findings show that indigenous mechanisms account for nearly 90% of dispute resolutions in Liberia (Sandefur & Siddiqi, 2011, 2012). More significantly, Isser et al. (2009) find that “Liberians are overwhelmingly dissatisfied with the formal justice system, particularly at the local level . . . [and that] [e]ven if the formal justice system were able to deliver affordable, timely, and impartial results, it would still not be the forum of choice for many rural Liberians” (p. 3).

This suggests that there is more to Liberian and, for that matter, African conceptions of justice than meets the eyes of the Western formal legal idea of justice. Although the Liberian TRC has recommended the establishment of a traditional forum for justice and reconciliation through the Palava Hut process, not much is known in terms of how the process can influence ex-combatant reintegration in Liberia.

What Indigenous Ideas of Justice Entail

Although various terminologies are used to describe indigenous justice processes, many carry one type of baggage or another. *Traditional* suggests static or unchanging political, economic, and social circumstances (Duthie, 2009; Huyse, 2008, p. 7). *Customary* and *indigenous* are “essentialist” (Duthie, 2009). However, for want of better terminology, the term *indigenous* is used in this study, if for no other reason than that it signifies an approach that is home grown. What, then, does an indigenous idea of justice consist of?

Desmond Tutu, Chair of the South African TRC, has argued that Western formal justice does not fit with “traditional African jurisprudence,” as it is too impersonal.

According to Tutu, the African conception of justice aims at

the healing of breaches, the redressing of imbalances, the restoration of broken relationships. This kind of justice seeks to rehabilitate both the victim and the perpetrator, who should be given the opportunity to be reintegrated into the community he or she has injured by his or her offence. (as cited in Huyse, 2008, p. 5)

The elements of healing, balance, restoration of broken relationships, rehabilitation, and community, as specified by Tutu, seem to suggest that in African thought systems, justice extends beyond the individual to include the community. Or, better still, that justice extends from the community to the individual. To appreciate the sociological basis for this ontology, it seems necessary to understand the idea of community and the idea of a person in the African context, which not only shape how justice is understood and conceptualized, but which also serve as key frames of reference for the values, norms, and attitudes that shape people’s lives (Chachine, 2008; Deng, 2008; Mbiti, 1969; Menkiti, 1984; Murithi, 2006).

Notions of Person and Community in the African Context

In most African societies, the community is central to every aspect of life, be it political, social, economic, or religious. It is therefore within the community that the person’s identity and place in the order of things is defined. In the community, as Deng (2008) explains, “every individual relies on other fellow members of the family, the lineage, or the clan, for his or her own prospects for being immortalized through a permanent identity and influence; a member’s group is indispensable to his or her identity” (p. 79). The community in Africa, as Chachine (2008) notes, serves as a “sphere of social existence, the locus of individual existence and self-identity, where moral values, beliefs, and the very source for

moral agency, including one's understanding of justice and freedom are formed and nurtured" (p. 39). Within the African context "'to be' is to belong, an individual exists because of others" (Chachine, 2008, p. 39). The idea of personhood and the primacy of the community is perhaps best captured by the *ubuntu* moral standpoint.

The Concept of Ubuntu

Ubuntu is a cultural worldview that manifests in a multiplicity of forms among many societies in Africa. Its etymology is, however, more frequently traced to the societies of East, Central, and Southern Africa, where the concept of ubuntu is thought to "capture the essence of what it means to be human" (Mokgoro, 1998; Murithi, 2006, p. 28; Nussbaum, 2003; Shutte, 1993). This African view of a person, or the "African view of a man," is perhaps best captured in the words of Mbiti (1969):

Only in terms of other people does the individual become conscious of his own being, his own duties, his own privileges and responsibilities towards himself and towards other people. When he suffers, he does not suffer alone but with the corporate group; when he rejoices, he rejoices not alone . . . Whatever happens to the individual happens to the whole group, and whatever happens to the whole group happens to the individual. The individual can only say: 'I am, because we are; and since we are therefore I am.' This is the cardinal point in the understanding of the African view of man. (p. 106)

In his commentary on the Poro and Sande secret societies in Liberia, Fahey (1971) similarly notes that "the individual is not conceived as an autonomous unit of society, but as a member of family or clan. To threaten the individual is to threaten the larger unit" (p. 19). If a person assumes ontological selfhood by virtue of the community, and if the essence of the community is, in turn, to be found in the individuals who constitute it, then it follows that the manner in which a person acts with reference to others has political, economic, and social

implications not only for others, or the community, but for each individual actor as well (Murithi, 2006).

Moreover, the centrality of interdependence to the concept of ubuntu means that other members of society are linked to belligerents and affected directly or indirectly by conflict even when they are not primary parties to particular disputes. Not only does this help to explain the importance of community participation in conflict transformation, but it also underlies the importance of relational justice, which necessitates the mending of fractured or broken relationships arising from conflicts. Relational disharmonies undermine community resilience and security as they distort the interlocking web of economic, political, social, and even strategic interdependence. In other words, the ends of justice are not to exact retribution, but to rebuild sound relationships and ensure harmony within the community, as Deng (2008) contends:

The objective of such intervention is not to punish in the punitive Western sense, but the achievement of an outcome that both sides accept as a fair basis for resettlement and the restoration of the unity and harmony that have been disrupted. Reconciliation is a cardinal principle of the African settlement of disputes. (p. 80)

Towards a Relational Conception of Justice

Although the idea of relational justice, as a theory of justice, has been proposed, it has not been fully developed (Koggel, 1998). Yet, this incipient perspective rests on a number of relationship-driven principles that have potential for post-conflict peacebuilding, including an emphasis on interdependence, the importance of dialogue, and an understanding of the self as constructed in the context of the “ongoing process of engagement with others in a network of relationships shaped by social [and political] practices” (Koggel, 1998, p. 242; Llewellyn, 2012). A relational theory of justice appears to have much in common with relational principles that underpin most indigenous processes of justice in Africa. In relational contexts

where enduring social ties matter, relational justice functions as a key principle of social organization around which actual behavior regarding conflict, injustice, justice, and peace can be assessed.

Unlike the restorative conception of justice, most visible in TRCs, relational justice extends beyond the idea of redressing specific wrongful conduct to a justice form that focuses more broadly on “the goal of promoting and sustaining just relations” (Llewellyn, 2012, p. 293). Not an ad hoc event, a relational justice standpoint offers a broader alternative way of thinking about justice that gives priority to the restoration of fractured relations as well as the long-term never ending process of interaction moving towards “positive peace” (Galtung, 1969). Moreover, relational justice perceives peace and justice not as competing principles or needs, but as “two sides of the same coin.” A number of key differences and similarities between relational justice, legal/retributive justice, and restorative justice are highlighted in Table 3.1 (Zehr, 1989).

Table 3.1

Relational Justice vs. Legal and Restorative Justice

Justice Type	Nature/Assumptions	Medium/Source	Actors/level of Participation	Goal/Outcome
Retributive / Formal Justice	Highly formal/legalistic Focuses on objective criteria Interested in facts Crime violates the state & its law Focuses on determining blame Highly centralized Zero-sum-game Practiced in non-relational communities Individualistic in orientation Perceives justice, reconciliation, and peace as distinct categories	State/ – criminal justice system Externally conceived External to community	Defendant/perpetrator vs. state Limited role for victims & community	Restore sanctity of law Maintenance of law & order Punishment for breaking the law of the state Prioritizes negative peace
Restorative Justice	Semi-formal Semi-legalistic Ad hoc/temporal Crime violates people & relationships City-based Removed from site of reconciliation Justice, peace, and reconciliation <i>may</i> be achieved together	TRCs Partly western, partly local Originates from state Court-like Sometimes with powers of statutory courts	Victim focused Victim & offender participation Limited role for bystanders	Truth, forgiveness, & reconciliation

Relational/ indigenous Justice	Highly informal/flexible Crime violates people & relationships Highly decentralized (on site) Relationship oriented Highly familiar Socio-psychological Positive-sum Collectivist in orientation Perceives justice, peace, and reconciliation as the same (the peace and justice or justice and reconciliation are two sides of the same coin)	Rooted in local norms, customs & culture	Victim, offender, community have central roles	Mending broken relationships Punishment to restore broken relationships From negative to positive relationship Emphasizes positive peace Emphasizes truth, acknowledgement, remorse, forgiveness, reconciliation, sound/just relations Rebuilding enduring ties On-going never ending process Restoration as beginning for new relations
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Note. This table is adapted from *The Little Book of Restorative Justice*, by H. Zehr, 1989. A theory of relational justice, based on the Palava Hut process, and grounded in the data generated for this research, is constructed in Chapter 6, with further explanations.

Theory of Conflict Transformation

Basic to the theory of conflict transformation is the view of conflict as a natural feature of all societies that can create valuable opportunities rather than being perceived as a threat to society. Transformation scholars such as Lederach (2003, 1995) perceive conflict as a useful tool that can be creatively employed to ensure dynamism and renewal in society. From this standpoint, conflict transformation is said to differ from conflict resolution or conflict management. Conflict resolution, it is argued, provides an image of conflict as a bad phenomenon, and therefore, something that should be avoided or terminated (Botes, 2003; Lederach, 2003, 1995, 2005). Moreover, the resolution approach assumes that conflict can be “resolved” permanently (Lederach, 1995).

While conflict transformation and conflict management agree that conflict is a long-term process often unamenable to quick resolution, conflict management views the control of conflict volatility as its main goal. Furthermore, conflict transformation goes beyond the control of conflict to focus more on transforming the underlying cleavages that give rise to conflict, as well as the very actors that act out conflicting behaviors. The thinking is that the resolution of conflict without the transformation of the relationship can prove ephemeral, as the intervention affects only the tip of the iceberg.

Thus, Kriesberg (as cited in Botes, 2003) argues, conflict resolution focuses on solving the problems that underlie a particular conflict, whereas conflict transformation aims at changing the relationships between the conflicting parties. According to this standpoint, conflict transformation transcends the removal of the “sources and causes” that gave rise to conflict, to include a change in the psychological basis that inform conflictual attitudes, for example, through education, advocacy, and mediation (Botes, 2003; Mial et al., 1999; Warnecke & Franke, 2010). The emphasis on the socio-psychological dimension of conflict handling makes conflict transformation particularly suitable for healing past traumas and mending broken relationships following the signing of peace agreements and the subsequent termination of conflict.

At the national level, conflict transformation aims at removing unjust social arrangements in society (Mial et al., 1999). Whereas unjust structural and institutional arrangements are more amenable to transformation, they cannot be resolved (Notter & Diamond, 1996). Seen as an approach that goes beyond conflict management and resolution, some authors place conflict transformation at one end of a continuum, while “conflict management” and “conflict resolution” are placed sequentially from the other end of the continuum to join “conflict transformation” (Botes, 2003; Mial et al., 1999). Väyrynen (1991, p. 163) identifies four major ways in which conflict transformation can occur:

- Actor Transformation, which refers to the internal changes among conflicting parties;
- Issue Transformation, which refers to changes in the political agenda or changes in the underlying issues of the conflict;
- Rule Transformation, which redefines the norms that the actors follow; and
- Structural Transformation, which refers to systemic changes that occur beyond the level of the specific actors.

In spite of such articulations, the theory has been criticized for its lack of distinctiveness. Given that conflict resolution actually focuses on the root causes of conflict, it is not easy to specify what is new in conflict transformation. This criticism notwithstanding, conflict transformation represents a useful model for explaining the relational dynamics between ex-combatants and receiving communities, particularly in relation to the application of the concept of justice. The theory of relational justice, which I develop further in Chapter 6, is based or grounded in the empirical data on the Palava Hut process as well as important insights from the theory of conflict transformation. Its relational focus, in particular, is useful when thinking about a more effective way to reconcile ex-combatants with war survivors. Although economic reintegration is important, it cannot wholly suffice to bring reintegration about. This is primarily because, as I contend in this study, reintegration is, first and foremost, a relational process.

Summary

In this chapter, I reviewed relevant literature on civil war, ex-combatant reintegration, and justice. I discussed the core discourses around the relationship reintegration and post-conflict peace, and identified a major gap in the literature regarding this relationship: the absence of justice—relational justice to be precise. I explained that the relational or integrative essence of reintegration has not received adequate attention in the extant reintegration and peacebuilding literature, just as the relational justice dimension of TRC has been ignored. I reemphasized the core argument that the prevailing approach to reintegration is not sufficient to ensure the integration of ex-combatants with receiving communities. I also contended that TRCs, which currently serve as the best avenue for reconciling people after civil war, come with major weaknesses that undermine their effectiveness. I advanced relational justice as a key principle of social organization and a comprehensive framework within which actual behavior regarding conflict, injustice, justice, and peace can be assessed

and understood. I also conceptualized the key concepts used in this research, while distinguishing between relational, non-relational, and quasi-relational communities.

Chapter 4

METHODOLOGY

Introduction

As noted in Chapter 3, reintegration, as currently practiced, focuses predominately on building livelihood and income-earning capacities of ex-combatants. This study, however, contends and demonstrates that economic reintegration is inadequate to ensure the merger of ex-combatants into civil communities. In fact, extant research suggests it is not the most important variable (Humphreys & Weinstein, 2007; Podder, 2012; Shaw, 2010). The nature of war-related justice or injustice experienced by survivors seems to matter. Yet, not much is known in terms of how people's experiences of justice/injustice influence reintegration outcomes, nor is it clear how justice can be pursued as part of reintegration. Trials and truth commissions, which are the two key transitional justice tools, often fail to deliver the goals of reconciliation and, by extension, reintegration (Mani, 2005).

This inadequacy has manifested most obviously in Liberia, leading the TRC, which was established in the first instance to facilitate reconciliation, to call for the establishment of Palava Hut centers in Liberia to "restore broken relationships at the community and national levels" (Republic of Liberia, 2009, p. 2). Yet, it is unclear how the national Palava Hut can be operationalized in urban non-relational communities. Nor is it any clearer how the Palava Hut can help address war-related crimes in either homogeneous rural or non-relational urban communities in Liberia. These challenges raise three central questions related to this research:

1. How do (war) survivors' experiences with and perceptions of justice/injustice influence the type of reception they accord returning ex-combatants?

2. How do communities practicing the Palava Hut address broken relationships and restore justice?
3. How can the Palava Hut justice approach contribute to the reintegration of ex-combatants?

In addition to the above primary questions, the following sub-questions are also key to this effort:

- How can justice be served in the context of ex-combatant reintegration?
- How does the Palava Hut process work to address disputes in relational communities?
- How can the Palava Hut process be adapted towards addressing war-related violent crimes, both within relational and non-relational communities?
- How do individuals involved in the Palava Hut process perceive its utility for addressing non-war-related violent crimes?
- How can the Palava Hut process facilitate the reintegration of ex-combatants after civil war?

The purpose of this chapter is to systematically explain the steps I took in finding answers to the research questions listed above. The chapter is divided into eight major sections. The first section discusses the type of research methodology and specific approaches employed in this research, explaining, among other things, why particular approaches were chosen. The second section briefly explains how the independent variable (the nature of justice experienced by people) and the dependent variables (reintegration outcomes) in this study were operationalized. The third section focuses on the case selection, sources, and instruments of data collection in this research. The fourth section discusses the sampling method used in this research. The fifth section explains the data collection procedure. The sixth section discusses the data analysis procedure. The seventh section discusses the key ethical issues. Finally, the eighth and concluding section presents the

limitations of this research and summarizes the key points of the chapter. The overarching goal of this study is to inductively build a relational theory of justice to explain the causal mechanisms through which indigenous justice mechanisms facilitate reconciliation and just relationships, and, how it can, by extension, facilitate the process of reintegration, using the Palava Hut process of Liberia as a case study.

Research Methodology

Qualitative Research Design

The methodological approach I chose for this research is the qualitative research design. As a result, the study is inductively driven, with my analytic objectives “framed as research questions (as opposed to hypothesis)” (MacQueen & Namey, 2012, p. 280). Three reasons explain my choice of this methodology. First, the core phenomena this research focuses on are people’s experiences with and perceptions of injustice or justice in terms of how they address trauma in their relationships, as well as the process of reintegration—a relational process. The experiential and relational/expressional nature of these categories means that they—just as the research questions above—lend themselves more to a qualitative research methodology rather than a quantitative methodology (Berg & Lune, 2012; Bryman, 2012; Creswell et al., 2003; Maxwell, 2005). In other words, people’s experiences with justice and the relational dynamics of reintegration are more amenable to interpretivism than positivism.

Therefore, a qualitative design which enables me to explore and gain a deeper understanding of the meanings people attach to the concept of justice and how that influences their interactions with others in society is a more suitable methodology for this study than a quantitative design (Creswell, 2013). This approach made it possible to understand, for example, how the people of Liberia, particularly the people of Gbojay, in the Bomi County of Liberia, go about constructing and reconstructing their everyday experiences with justice

rather than focusing on frequency of justice or injustice-related occurrences. As Einstein is reputed to have once said, “Not everything that can be counted counts, and not everything that counts can be counted” (As cited in Gioia et al., 2012, p. 16).

A second reason for choosing this methodology is that this research has theory building as its overarching goal. I, therefore, draw heavily on grounded theory and case study research approaches in order to identify and trace the causal connections linking people’s justice experiences with reintegration outcomes. Grounded theory and case study research fall within the qualitative research paradigm (Creswell, 2013). The third and final factor for the chosen methodology, and related to the second point, is that there is currently no substantive theory explaining how the Palava Hut process contributes towards redressing war-related injustices and the subsequent reintegration of ex-combatants. A substantive theory—unlike a formal theory, which is more abstract, providing theoretical explanations of generic issues—provides explanations for a particular issue or issue-area in a specific setting (Strauss & Corbin, 1998). The goal of building a theory that can subsequently be tested using a different case and larger sample size makes this research exploratory in nature. Ultimately, as Bryman (2012) and Neuman (2009) contend, the most suitable approach for exploratory research is the qualitative approach.

According to Denzin and Lincoln (2011), qualitative research involves “an interpretive, naturalistic approach to the world. This means that qualitative researchers study things in their natural settings, attempting to make sense of or to interpret phenomena in terms of meaning people bring to them” (p. 3). Of particular note in this definition is the emphasis placed on interpretive and naturalistic approaches as well as the construction of meanings. Creswell (2013) echoes these perspectives when he writes about “the use of interpretive/theoretical frameworks” as well as “the collection of data in a natural setting sensitive to the people and place under study” (p. 44). This epistemological stance

emphasizes an approach to knowing or understanding social phenomena or processes, such as people's experiences with justice or injustice, from within the processes themselves, or at the very least from the context in which they manifest.

The interpretivist approach provides considerable room for deeper understanding of social events and processes often represented in individual and collective narratives, which is lacking in quantitative research (Gioia et al., 2012; Neuman, 2013). This is because qualitative research yields and analyzes deep and rich data that reflect meanings and perspectives of those being studied (Berg & Lune, 2012; Bryman, 2012; Maxwell, 2005). Qualitative research usually does not use data that “indicate ordinal values” (Nkwi et al., 2001, p. 1), but rather generates and uses data that come in the form of texts, images, and sounds. Unlike quantitative research, qualitative research generates data that are non-numeric and less structured, as “the data collection process itself is less structured, more flexible and inductive” (Guest et al., 2012, p. 6). The approach is inductive in that, in contrast with quantitative research—which usually begins with a theory or hypothesis and proceeds to gather data to test a theory, and hence is deductive—qualitative research usually begins with a research question and proceeds with the gathering of data to generate a new theory grounded in that data (Bryman, 2012; Neuman, 2003; Schutt, 2009). The specific approaches used in this study are case study research and grounded theory research, rather than narrative research, phenomenology, or ethnography, which are all research approaches within the qualitative research paradigm.

Collective Case Study Approach

Creswell (2013) defines case study research as “a qualitative approach in which the investigator explores a real life, contemporary bounded system (a *case*) or multiple bounded systems (cases) over time, through detailed, in-depth data collection involving *multiple sources of information*” (p. 96, author's emphasis). I used the case study approach in this

research in order to, first, gain deeper insight into how the Palava Hut process of Liberia works to address conflict within relational communities, and, second, to understand how the process can be adapted to redressing war-related injustices both within homogeneous or relational communities as well as non-relational urban communities in Liberia. Thus, while the issue of concern—how justice experiences influence reintegration outcomes—was singular, multiple communities were involved (relational and non-relational communities). In order to be able to study the two communities within the same research site, the study employed a collective case study approach, which is one of the three main types of case studies (the other two being the single instrumental case study and the intrinsic case study) (Creswell, 2013).

A collective case study approach is used when there is a single issue of interest, but the selection of multiple case studies is required in order not only to illustrate the issue, but also to show different perspectives on the issue (Creswell, 2013). As elaborated in the section on case selection, two major research locations were originally selected in Liberia: Gbojay, a rural community in the Bomi County of Liberia, and Monrovia, which is the capital city of Liberia. Gbojay was selected because it is a relational community practicing the Palava Hut. As discussed previously, relational communities are close-knit homogeneous communities (*Gemeinschaft*) whose members share a common sense of identity/kinship, language, religion, norms, and values, and who also place strong emphasis on the values of collectivism, rather than individualism, manifesting in strong and binding senses of community.

Monrovia, on the other hand, was chosen because it is, like most urban communities elsewhere in the world, a largely non-relational community (*Gesellschaft*). During the course of the field study, however, it became clear that Monrovia could not be clearly bounded as a case because there were clusters of relational communities in the city, which do not only have

ethnic affinities with major groupings in other counties, but which also practice the Palava Hut under their tribal governors. Liberians travel from one community to the other for a variety of reasons that include better economic opportunities and marriage. People also relocated to other parts of the country as internally displaced persons (IDPs) during the civil war. Sometimes migrants from the same towns or villages establish new settlements within the host communities and live together, usually under a tribal governor who may be appointed from within the groups (UNMIL, 2011).

According to the UNMIL (2011), a tribal governor is “the representative of his tribal people within any given municipal area, responsible to coordinate all administrative activities within his tribal people and the government of Liberia” (as cited in UNMIL, 2011, p. 9), as defined by the country’s *Rules and Regulations Governing Local Government Officials of the Political Sub-divisions of Liberia*. Among other responsibilities, tribal governors have a duty to “investigate all tribal matters between [their] tribal men and settle all disputes as the case may be from time to time” (UNMIL, 2011, p. 9). The tribal governors’ courts serve as an important forum of justice “where [an] innumerable amount of cases begin and very often are finalized” (UNMIL, 2011, p. 3).

Informed by this knowledge, I further divided Monrovia into a quasi-relational community and a non-relational community. My instruments of data collection are discussed in full under the section on data collection methods. Suffice it to say that I used three major methods of data collection: in-depth interviews, focus groups, and participant observations.

Grounded Theory Research

The overall goal of this research is to build a relational theory of justice to explain how people’s experiences with justice or injustice influence reconciliation and reintegration outcomes. There is currently a dearth of theoretical frameworks that adequately explain this relationship. Grounded theory, as Creswell (2013) explains, is “a good design to use when a

theory is not available to explain a process” (p. 66). Grounded theory presents “systematic yet flexible guidelines for collecting and analysing qualitative data to construct theories ‘grounded’ in the data themselves” (Charmaz, 2006, p. 2). This approach is iterative in the sense that data collection and preliminary analysis happen at the same time. The data analysis process in grounded theory involves three stages of coding, open coding, axial coding, and selective coding, which begin with labeling chunks of data. The labels assigned to segments of the data are known as codes, or concepts (Strauss & Corbin, 1990). Through constant comparison, the researcher identifies similarities and difference among the codes generated. Codes sharing similar attributes can be grouped together under more abstract major categories. The major categories are subsequently linked together to construct a theory grounded in the data either through a paradigmatic model developed by Strauss and Corbin (1990) or analytical memo writing (Charmaz, 2006).

Unlike phenomenology, for instance, which emphasizes the meaning represented in the experience of an individual or a collective, grounded theory goes beyond description or meaning, enabling the researcher to systematically and substantively generate or discover a theory grounded in the data that will “work in the real world” (Strauss & Corbin, 1998; Walker & Myrick, 2006, p. 548). For this reason, grounded theory has been described as “the most inductive of the approaches” (Guest et al., 2012, p. 36).

Grounded theory was applied during the data collection process in Liberia mostly through in-depth interviews. Based on the broad research questions, specific questions were asked during interviews that focused on participants’ understanding of justice, and, importantly, how they experience justice (see Appendix A). In order to gain a deeper understanding of justice, as represented at both individual and communal levels, I posed further and more detailed follow-up questions until responses became saturated, in the sense that no new information was derived from further questions or questioning. During the course

of the interviews, I paid close attention to the emerging representations or conceptions of justice, including the processes or approaches involved in the delivery of justice or how the process unfolds (how justice happens), reasons why justice is thought to be important both for the individual and for the community, the kinds of situations that make the demand for justice necessary, and anticipated outcomes or effects,.

While interacting with the research participants, I also paid attention to emerging and common ideas, or codes, that form the basis for developing major categories. Notable among these codes are the following:

- “[Justice is] not in the interest of the individual, but rather the community.”
- “How will the community feel?”
- “How will the community survive?”
- “Court serves as a breeding ground for conflict.”
- “The law is not interested in the relationship between these people.”
- “If I took you to court, I will be planting enemy tree between you and myself and our children to come.”
- “You may have the law and execute the law.”
- “When they leave that court room they have to go back home.”
- “The law sometimes even brings more dividing factors between parties.”
- “The aim of the Palava Hut is to arrive at a permanent solution to a problem . . . so that society will not be ruptured.”
- “Justice and peace should work concurrently.”
- “There can be no peace when there is no justice.”
- “Justice and peace are two sides of the same coin.”
- “Reintegration and rehabilitation is zero. That was never done at all.”

These emerging codes and themes from the data, among other things, offer a different conception of justice, which may be called relational justice. A relational justice, according to the data, transcends the dominant idea of justice, where justice is thought of as “giving to each his or her due” (see Chapter 3). Relational justice is expressed through the justice of the community so that individual justice is tied to the justice of the community of which the

individual is part. A more comprehensive and systematic application of grounded theory is explored in the Chapter 5 discussion of data analysis.

Operationalization of Variables

Operationalization involves the process of finding measurable indicators for the variables of interest so that changes or variations in the variable can be measured. Neuman (2013) defines “operationalization in qualitative research” as “a description of how a researcher developed working ideas while making observations and collecting data” (p. 176). This usually begins with a specification of the variables. In this study, the *independent variable* is the nature of justice experienced by survivors, while the *dependent variable* is reintegration outcomes. Survivors, in this case, include all community members who directly or indirectly experienced injustices during the Liberian Civil War. The *nature of justice experiences* is a dichotomous variable in that people experience either injustice or justice. Thus, those who were the targets of ex-combatant abuses were victims of injustices, and therefore experienced a sense of injustice. If they received justice after the conflict, however, their injustice experience transformed from injustice into justice.

Reintegration outcomes, on the other hand, can be seen in terms of whether or not the ex-combatant merged successfully into the civil community. Mergence into community in turn depended on the nature of reception (positive or negative) accorded ex-combatants by survivors, as well as the ex-combatant’s own sense of belonging. In order to measure the dependent and independent variables, I asked specific (additional/follow up) questions that reflected the various attributes of the variables. A sample of these questions is available in Appendix A.

On the whole, it appears that survivors are more likely to accord ex-combatants a positive reception when they experience justice, making it more likely for the returning ex-combatant to reintegrate successfully. On the other hand, survivors are more likely to accord

ex-combatants negative reception if they feel a sense of injustice. Thus, the nature of justice experienced by survivors can either enhance or constrain the process of ex-combatant reintegration into communities. From the point of view of the ex-combatants in this study, receiving positive reception meant that they did not have to “look over their shoulders,” in fear of becoming victims of revenge attacks, as they felt less threatened knowing that they had been forgiven for the atrocities they committed, and vice versa. Of course, the idea of justice may mean different things to different respondents, including perceptions regarding some or all of the conceptions of justice discussed in Chapter 3.

Case Selection and Source of Data

Ultimately, this research seeks to understand how indigenous approaches to justice can contribute to the reintegration of ex-combatants. I selected Liberia with the Palava Hut process in that country as a case because it is the only country in Africa, with the exception of Rwanda, where the political leadership has officially adopted an indigenous process—the Palava Hut—as a complementary approach to transitional justice. What makes Liberia even more suitable as a case is that it clearly portrays the inadequacies in the ongoing approach to reintegration, as well as the limitations of trials and truth commissions, which are the two major transitional justice approaches.

These limitations manifest in the 2009 final report of the Liberian TRC, as noted earlier, when the Commission recommended the establishment of Palava Hut centers across Liberia to serve as complementary forums for justice and reconciliation to help address outstanding grievances in order to “restore broken relationships at the community and national levels” (Republic of Liberia, 2009). This call was significant in that the restoration of broken relationships in post-war Liberian societies is one of the main tasks the Commission was established to undertake. By calling for the establishment of Palava Hut centers, the Commission not only brought into the open the inherent weaknesses of restorative justice,

which manifest most obviously through TRCs, but it also echoed the potentially significant roles that indigenous approaches to justice—the Palava Hut to be precise—can play in facilitating reconciliation and reintegration. However, the operationalization/implementation of the Palava Hut comes with a number of fundamental challenges, as explained in the preceding chapters.

Significantly, the attempts to find solutions to the challenges faced in using the Palava Hut to address war-related injustices in both relational and non-relational communities means that this research has direct policy relevance or application. At the same time, the choice of the Palava Hut as a case in building a relational theory of justice contributes to the ongoing discourse on transitional justice and reintegration by advancing an idea of justice that conceives both justice and peace as “two sides of the same coin.”

Because the Liberian peace process has been ongoing for over ten years, and as it continues to be in the transformation phase of the peacebuilding spectrum, the country is ideal for examining long-term effects of transitional justice. Other considerations that informed my choice of Liberia as the case for this research include access and language. Having previously conducted research in Liberia, I had access to key research informants who were not available to me in other African cases. Furthermore, the use of English as the medium of communication in Liberia was crucial because I was mindful of the implication of the use of an interpreter on the validity of findings and my overall conclusion. Conducting interviews in a language understood by both participants and researcher greatly helps to avoid misrepresentations that can creep in through translations. Thus, all interviews were conducted in English, although I asked for explanations of a few local slang expressions that were used in some of the interviews.

Community Types

In terms of research sites, qualitative data was collected from two major sites in Liberia: Gbojay Town, in the Suehn/Mecca District of Bomi County; and Monrovia, the capital city of Liberia. Gbojay and Monrovia respectively represent relational and non-relational communities. Gbojay Town, which is located 40 km North of Monrovia, has a total population of 908 (Liberia Institute of Statistics and Geo-Information Services, 2008). The people are mainly of the *Mandingo* ethnic background, and they share a common ancestry, culture, religion, tradition, and the same language—*Kpelle*, a popular local dialect spoken by nearly everyone in the town. The majority of people in Gbojay Town are Muslim, but some of the inhabitants are Christians.

The Suehn/Mecca District where Gbojay is located has a chiefdom known as the Mecca Chiefdom. In that chiefdom, there are four clans: the Upper Mecca Clan, the Lower Mecca Clan, the Gbor Clan, and the Gbojay Clan. In these clans, there are 13 wards, which are governed by a paramount chief, clan chiefs, and a general town chief. The Suehn/Mecca District also has a Statutory Superintendent, an Assistant Superintendent for Development, a Land Commissioner, a District Inspector, and a Township Commissioner. There is, however, no police station or statutory court in Gbojay Town. There is only one police depot covering the entire district, which is located about 25 km from Gbojay in Gbor Town. There is also an immigration checkpoint. Not only does the absence of statutory institutions such as the police and magisterial courts limit the reach of the state in Gbojay, particularly insofar as the maintenance of law and order is concerned, but the town also lacks basic social services and amenities. Gbojay has no electricity or pipe-borne water. Water is sourced from creeks. The district has primary schools, one senior high school, and two clinics. There are no tarred roads in the town, meaning that the only major road linking Gbojay to other towns and cities

is not easily motorable, or suitable for use by motor vehicles, particularly during the rainy season.

In terms of occupation, the people of Gbojay are mainly subsistence rice and cassava farmers, but there are also smallholder rubber farmers. An indigene of Gbojay (personal communication, September 20, 2015) who works at Liberia's Ministry of Information stated during an informal discussion that "the town had economic relevance prior to the civil war. People from the surrounding villages poured in Gbojay to get their basic needs in terms of goods." He further stated that "Gbojay was heavily affected by the civil war. So many lives were lost and the town burned down. The rebuilding process is ongoing and the town is gradually returning to its pre-war status."

While the universe of cases for this study is all communities/counties in Liberia where Palava Hut is practiced, the study focused on only a subset of the universe due to time and resource constraints. Thus, Gbojay Town, and Bomi County for that matter, were selected for two major reasons. The first reason had to do with validity. The people of Gbojay Town were subjected to extreme atrocities that included rape and murder, while the entire township was burnt down during the civil war. Given the extreme nature of the injustices experienced by the people, one would expect reconciliation and reintegration to be difficult in the Gbojay community. Thus, if the Palava Hut is successful at facilitating reintegration in Gbojay (where reintegration should otherwise be difficult), then the idea that reintegration should be more successful when the Palava Hut process is applied should enjoy a high degree of validity.

The second reason had to do with getting a sample that was representative, or reflective of the universe of cases (all communities that practice the Palava Hut) as well as the population. Gbojay is typical of the rural communities that practice the Palava Hut because it is relatively removed from the criminal justice system. In addition, there is

generally a subtle understanding that all cases arising in the community (just like other communities that practice the Palava Hut) should be addressed by the chief or clan elders, and not the police or courts. Unlike Monrovia, Gbojay has no criminal justice infrastructure—no police station, no courts, and no prisons. With the exception of rape and murder, all cases arising in the town are settled using the Palava Hut process.

Monrovia, the second main research site, is largely a non-relational community. However, it has pockets of relational communities that also practise the Palava Hut under their tribal governors. As a result, Monrovia was sub-divided into quasi-relational (as relationships here were neither typically dense nor loose) and non-relational communities. Data for the quasi-relational community was collected using in-depth-interviews at the Belema Community on Bushrod Island and participant observations of a Palava Hut proceeding at the Chicken Soup Factory Community. Within the non-relational communities in Monrovia, data was collected from a number of locations, including the courts, the House of Representatives, the Ministry of Internal Affairs, the University of Liberia, media houses, civil society organizations, Clara Town, West Point, Airfield, Congo Town, and Sinkor. I also traveled to Tubmanburg, where I participated in the ethnographic forum on the national Palava Hut process, organized by the INCHR, where some interviews were also conducted.



Figure 4.1. Major study sites (not drawn to scale). The locations marked in red, including Gbojay, Tubmanburg, and Monrovia, are some of the main sites where data for this study was collected. Adapted from *Compare Infobase Limited*, 2007.

Sampling and Data Collection Procedures

Purposive and snowball sampling methods were used to select potential participants for the study. Purposive sampling is a non-probability sampling method used for selecting research subjects who can provide expert, technical, or personal information that is difficult to obtain using other sampling techniques (Maxwell, 2005). Purposive sampling was used to select research subjects who included war-affected survivors, legislators, justice professionals, people who had experienced the Palava Hut process, academics, and officials of selected NGOs, among others.

Snowball sampling, on the other hand, is a non-probability sampling technique that is used to identify research subjects who are difficult to find. When using snowball sampling, the researcher begins with one case and asks for assistance from the first participant to identify the next participant. This process is repeated until a saturation point is reached, in which subsequent interviewees add no new information (Neuman, 2003). Snowball sampling

was used to select survivors who were direct victims of the conflict, as well as ex-combatants.

In terms of data collection, I employed three major types of qualitative data collection methods: in-depth semi-structured interviews, focus groups, and participant observations. In addition, I participated in a meeting organized by the Tribal Governors Council, as well as a national Palava Hut forum/workshop organized by the INCHR, where field notes were taken.

Interviews

I conducted a total of 40 interviews with tribal governors, community elders/community and clan chiefs, former commissioners of the TRC, judges, lawyers, legislators, scholars/researchers (an anthropologist, a conflict resolution expert, and a political scientist/historian), students, ex-combatants, victims/survivors, media practitioners, and officials of the INCHR. The main data collection instrument I used was a semi-structured interview schedule (see Appendix A). Although I planned to conduct interviews with officials of UNMIL, none of those involved in the reintegration process were available. However, I had an informal discussion with a high-ranking UNMIL official, during which I wrote field notes. I also conducted an interview with a former coordinator of the DDRR process in Liberia.

Participant Observation

In order to understand how the Palava Hut process actually works to address conflict, I observed a Palava Hut conflict settlement session of a dispute over rent in the Chicken Soup Factory Community in Monrovia. In doing so, I played the role of a complete observer in that although I was publicly introduced as a researcher, I was unobtrusive and took absolutely no part in the process. I took field notes of the procedure, rituals, and actors involved, as it was not possible to record the proceedings. In terms of sampling, this particular case was the only known case taking place within the selected research sites during the period of the research,

which lasted from September 2-22, 2015. There was, therefore, no sampling process involved in selecting the case.

Focus Group

In order to get a good understanding of people's perceptions or attitudes regarding questions of justice, the reintegration process, and the Palava Hut process, I conducted a focus group discussion with the members of an *Atai* Shop Intellectual Forum²⁵. The *Atai* Shops provide informal spaces where members (who described themselves as "intellectuals") converge to drink tea and discuss or debate important political issues affecting society. Although there were 17 people at the forum when the discussion was conducted, only 6 people (4 men and 2 women) took part in the discussion. This enabled me to regulate the tempo of the discussion effectively in order to have a meaningful discussion. The discussion was recorded for transcription.

Data Analysis Procedure

I analyzed the field data using grounded theory analytical tools involving the three-level coding process developed by Strauss and Corbin (1998)—open coding, axial coding, and selective coding. The process was complemented by analytic memo writing, or memoing, which is a procedure that entails composing analytic notes around incidents, indicators, or key concepts in the empirical data (Charmaz, 2006; Glaser, 1998). This was done by breaking the data corpus into segments to identify analytical categories and sub-categories as well as the corresponding set of relationships that link them together before reassembling them in a relational form. This resulted in the development of a relational theory of justice that explains how relational communities in Liberia address trauma in relationships and restore justice.

²⁵ An *Atai* shop is an "intellectual" group present in various parts of Monrovia that meets to discuss pertinent political, social, and economic issues affecting the people of Liberia, particularly those reported in the various newspaper articles. The discussants are predominantly male, but females are also present. The members of *Atai* shops usually meet in coffee shops or coffee shop-like venues, drinking locally brewed coffee or tea as they debate.

In the Chapter 5 discussion on data analysis and interpretation, I draw coherent meaning from the data vis-à-vis the research question. This was done by first generating codes from the data. The codes were then compared with each other to determine their differences and similarities. Similar codes were grouped under a much broader code or category (see Chapter 5). The main categories for each group of codes were then linked together in a causal relational form to build a substantive theory, using the paradigmatic model developed by Strauss and Corbin (1990). The process was combined with analytical memo writing.

Ethical Issues

Ethically sound social science research requires strict adherence to a number of basic ethical principles and guidelines. Key among these is the principle of “do no harm,” which emphasizes the protection of human subjects or research participants from the potential harm that might arise by virtue of their participation in specific research (Bryman, 2012; Neuman, 2009; Schutt, 2011). The principle of “beneficence,” similar to “do no harm,” commits researchers to having the interests of human subjects in mind and protecting them from harm by minimizing potential harms and maximizing benefits of research (U.S. Department of Health, Education and Welfare, 1979). Thus, the benefits to be derived from research must outweigh the potential risks. Moreover, the researcher has an obligation to respect and treat participants as autonomous agents and protect those with diminished authority (U.S. Department of Health, Education and Welfare, 1979). Additionally, participation in research should be voluntary and based on free consent of the participants, while anonymity of participants and the confidentiality of the information they provide must be maintained (Bryman, 2012; Neuman, 2009; Schutt, 2011).

I took the necessary steps to comply with such ethical principles and guidelines at every stage of this study and ensured that no participants were harmed by virtue of their

participation in the study. To begin with, I ensured that no one belonging to a vulnerable population—such as prisoners, pregnant women, mentally disabled persons, or children—was involved in the study. However, Liberia's status as a post-conflict country meant that there was the likelihood that the study might involve people who had either experienced wartime human rights violations or were exposed to such events during the war, and therefore were likely to experience post-traumatic stress disorder (PTSD). In order to prevent the likelihood of research participants reliving war-related traumas, I decided to focus on participants' justice experiences with the Palava Hut process as well as the extent to which they perceived justice in the TRC and reintegration process, rather than asking them about specific wartime experiences.

Second, prior to each interview, I always explained to participants the purpose of the research to ensure that they fully understood that the study was intended to understand their perceptions and experiences with the Palava Hut-related process of conflict transformation rather than wartime experiences. Third, any time that I noticed that patterns of participants' responses were likely to lead them into talking about war-related traumas, I intervened with questions that refocused the discussion on the Palava Hut and its potential to promote reconciliation in Liberian society. Fourth, the officer I hired as my research assistant while in the field was a child protection officer, who had also worked extensively with people traumatized by war. I thought his services would be useful in the unlikely event that any participants experienced PTSD. There was, however, no such event throughout the research.

Prior to the commencement of the study, I completed the relevant modules of the Collaborative Institutional Training Initiative (CITI) on the conduct of responsible social and behavioral research and secured Institutional Review Board (IRB) approval. While in the field, I fully disclosed my identity to every participant and explained the purpose of the study to each. I ensured that they fully understood the purpose of the study and that they were

freely willing to participate as respondents. I ensured that each participant freely consented to participate by signing a written consent form, which clearly delineated the ethical issues involved, such as the eligibility criteria, potential harm of participation, anonymity, and confidentiality, as well as the absence of material or personal reward (see Appendix B). In order to protect the identity of informants, no names were attached to any aspects of the data, meaning that no information could be traced to any specific participant, except a few participants (including a legislator and academics) who clearly stated that I could reveal their names and make direct attributions to them. I refer to the respondents as Participant 1, Participant 2, Participant 3, and so on. I provide a list of all research participants in Appendix E, with descriptors that provide brief information on them but do not expose their identity. Names are included on the list for only the respondents who said they could be put on record and stated their names for that purpose. The data obtained was secured on my password-protected personal computer. As stated earlier, no minors were involved in the research. All participants were above 18 years of age.

Limitations

This study is based on qualitative research methods, drawing only on Liberia as a case. As such, the findings cannot be generalized to other reintegration contexts. Another reason for the limits on generalizability of the research relates to the fact that I used purposive sampling and snowball sampling approaches to draw the sample of research participants. These are non-random sampling approaches, and therefore do not yield representative samples that are amenable to generalization. However, the theory developed here can serve as the basis for future theory testing using different cases. Although the generalizability of findings from this research is not directly possible (Bryman, 2012; Schutt, 2011), the theory developed here can be generalized after being tested on different cases in follow-on research.

Another major limitation relates to the fact that it was not possible for me to interview the UNMIL and UNDP officials who were involved in the reintegration process. These officials left after the process was completed. Interviewing them would have helped clarify the reasons why the UN and its affiliate agencies continue to emphasize economic reintegration at the expense of social reintegration, despite the warning from the UN's IDDRS report (2006) that DDR "may in fact cause resentment and violence" when communities are not involved in the process (p. 15). As noted earlier, however, I did have an informal discussion with a top UNMIL official.

Summary

In this chapter, I have provided a detailed explanation of the processes I used in order to find answers to the research questions. I have also provided justifications for the methodology that I employed, the case that I selected, and the sampling procedures that I used. I discussed the steps that I took to ensure that the research was conducted in an ethically sound manner, the key limitations of the research, and what I did to address them.

Chapter 5

BUILDING A RELATIONAL THEORY OF JUSTICE

“Generating grounded theory is a way of arriving at theory suited to its supposed uses”
(Glaser & Strauss, 1967, p. 3).

Introduction

In the previous chapters, I emphasized the fact that current approaches to peacebuilding, including transitional justice and ex-combatant reintegration, have generally given insufficient attention to the relational dimension of conflict and conflict transformation. Even when relational issues are considered, the strategies employed, such as TRCs, tend to be narrow and uncontextualized. As such, they fail to deliver the basic needs for justice and reconciliation. A key source of this problem seems to derive from the fact that not much is known in terms of how the goals of justice and reconciliation or justice and peace can be achieved concurrently after civil war.

In this chapter, I discuss the processes by which I analyzed the empirical data gathered from the field and how I generated a relational theory of justice from it. The theory I developed accommodates the concurrent need for justice and reconciliation after civil war. Operationally, the data analysis process involved breaking the data into segments to identify analytical categories and sub-categories as well as the corresponding set of relationships that link them together, and subsequently reassembling the categories in a relational form to explain how experiences and, in extreme cases, trauma in relationships are transformed and how justice is restored. The theory of relational justice, which emerged from the analysis, explains how relational communities in Liberia address trauma in relationships and restore justice. Drawing on this theory, I proceeded to explore ways in which the Palava Hut process can contribute to the reintegration of ex-combatants by addressing the injustices experienced by survivors.

To conduct the analysis, I drew on grounded theory analytical tools involving the three-level coding process developed by Strauss and Corbin (1990)—open coding, axial coding, and selective coding. These coding processes are defined by Strauss and Corbin (1990) as follows:

- *Open coding*: “The process of breaking down, examining, comparing, conceptualizing, and categorizing data” (p. 61);
- *Axial Coding*: “A set of procedures whereby data are put back together in new ways after open coding, by making connections between categories. This is done by using a coding paradigm involving conditions, context, action/interactional strategies and consequences” (p. 96); and
- *Selective Coding*: “The process of selecting the core category, systematically relating it to other core categories, validating those relationships, and filling in categories that need further refinement and development” (p. 116).

The coding process was complemented by analytic memo writing, or memoing, which entails the composition of analytic notes around incidents, indicators, or key concepts in the empirical data (Charmaz, 2006; Glaser, 1998). The analysis and the theory resulting from it enabled me to answer my core research questions as stated below:

1. *How do (war) survivors’ experiences with and perceptions of justice/injustice influence the type of reception they accord returning ex-combatants?;*
2. *How do communities practicing the Palava Hut address broken relationships and restore justice?; and*
3. *How can the Palava Hut justice approach contribute to the reintegration of ex-combatants?*

These questions relate to both conceptual and operational issues. In the first place, they address themselves to the meanings survivors bring to the idea of justice, when justice

(or injustice) is thought to occur, and how these contribute to shape survivors' dispositions towards reconciliation and reintegration. In particular, they are aimed at exploring and understanding how relational communities in Liberia address trauma within relationships using the Palava Hut process, and how this process, common to rural Liberia, can be adapted and replicated at the broader national level to facilitate the reintegration of ex-combatants. Drawing on grounded theory, I explored the principles, norms, and ethos that combine to set up the relational context in which justice results, how local representations of justice relate and differ from legal-rational notions of justice, and what policy-relevant lessons can be drawn.

According to Charmaz (2006), "grounded theory methods consist of systematic, yet flexible guidelines for collecting and analysing qualitative data to construct theories 'grounded' in the data themselves" (p. 2). To be effective in this enterprise, grounded theory (and qualitative research, for that matter) advocates the use of simultaneous processes of data collection and analysis. It is not always possible, however, to transcribe, code, and analyze interview data while simultaneously conducting further interviews in the field. This may result from challenges relating to limited time, financial, and logistical resources. Before proceeding to discuss the analysis, therefore, I briefly explain two major strategies I employed to ensure that the analysis and the validity of my findings were not affected by my inability to transcribe and code the interviews while in the field. The first step relates to the idea of collecting and analyzing data simultaneously, while the second points to the process of theoretical sampling.

While in the field, I had limited time that prevented me from transcribing the interviews or coding the data. This was due mainly to the Ebola pandemic, which had hit Liberia and other West African countries earlier in 2014. Although the World Health Organization (WHO) declared Liberia free of Ebola in May 2015, there was the danger of

new cases of infection coming up from the neighbouring states of Guinea or Sierra Leone.

The limited time spent in the field did not, however, affect my analysis in any adverse ways, as I took steps to prevent that. Although I did not transcribe the data while in the field, I was able to collect it and conduct tentative analysis concurrently. I did this by regularly playing and carefully listening to the interview recordings for each day, usually in the evening after conducting a particular day's interviews. While listening to the audio recordings, I constantly paused to write analytic notes on the main ideas and themes emerging from each interview.

In other words, instead of transcribing data, I listened to recorded interviews and wrote memos. Based on the memos, I discovered initial concepts and categories, making possible tentative comparison between data as I proceeded with subsequent data gathering and analyses. Thus, even though I did not transcribe or code the data in the field, it was still possible to conduct tentative analysis of the data, which directed further data collection. For example, after conducting my first four interviews, I listened to the audio interviews and captured the main analytic ideas derived from the data. I documented these ideas in a memo (see Memo 1 in Appendix C).

Notably, grounded theory calls for theoretical sampling, which involves the collection of additional data either by recruiting new informants or returning to previous participants to obtain specific data (Charmaz, 2006). The purpose of theoretical sampling is to obtain pertinent data that helps to address gaps, ambiguities, and unanswered questions, and also to explain and refine nascent concepts that prove to have theoretical relevance in an emerging theory (Charmaz, 2006; Fassinger, 2005; Strauss & Corbin, 1998). It is "sampling on the basis of the evolving theoretical relevance of concepts" in order to strengthen the explanatory power of the emerging theory (Strauss & Corbin, 1998, p. 179). For this reason, theoretical sampling has been described as "one of the hallmarks" of grounded theory (Fassinger, 2005, p. 162). While theoretical sampling is critical, it is not always possible to remain in the field

to fully saturate emerging categories or sub-categories, for the same reasons indicated above; nor does theoretical sampling always require new or renewed observations or data gathering. In fact, Fassinger (2005) suggests that categorical or theoretical saturation may sometimes prove counterproductive by leading to “redundancy in the data due to excessive numbers of observations or participants” (p. 162).

Instead, Fassinger (2005) suggests that theoretical sampling can be conducted constantly by returning to the existing data “to select incidents, scenes, or events . . . with which to interrogate the emerging theory and incorporate information gleaned from other elements of the data collection process (e.g., participant feedback, documents such as researcher memos, existing research literature)” (p. 162). While in the field, therefore, I collected rich and dense interview data, complemented by memos, field notes, and primary textual data that enabled me to sample theoretically as necessary.

Data Analysis

According to Corbin and Strauss (2008) and Strauss and Corbin (1990, 1998), analysis involves the process of fracturing data into component parts with the view to identifying categories and their properties and dimensions before weaving them coherently back together in a relational whole. The main process by which grounded theory analysis is conducted is coding (Miles & Huberman, 1994; Strauss & Corbin, 1998;). Coding is an analytical process involving breaking down data into conceptual segments and placing on them labels that summarize and represent the incident or idea captured by each unit of data—or the segmentation, conceptualization, and reassembling of data (Charmaz, 2006; Guest et al., 2012; Miles & Huberman, 1994; Strauss & Corbin, 1990, 1998). As noted above, analysis in grounded theory consists of a three-level coding process involving open coding, axial coding, and selective coding (Strauss & Corbin, 1998). Grounded theory analysis also involves analytic note writing or memoing (Charmaz, 2006). I adopted this three-level

process of coding to analyse my data and supplemented it with my own notes written both while in the field and while reviewing the transcribed data and coding it. Before discussing the coding process, I provide a brief description of how I went about writing my memos.

Memoing

My memos were written, first, by questioning significant statements, or statements that were repeated by multiple informants such as the following: “we are interrelated”; “People are interrelated”; “All of us here we live like family”; and “If you bypass the authority of the chief, it means you don’t want to live in that community” (see Memo 1 in Appendix C). Such statements led me to raise, in my notes, questions such as: What do these statements or phrases suggest? How are they connected? If people are interrelated, what do they do to address conflict in their relationships? What do these modes of relationships mean for justice—in terms of how people perceive justice and their forum of choice in seeking justice? Such questions were built into the subsequent interview questions that I posed while conducting further interviews with informants. They also led me to the tentative proposition that relationships matter to people.

Second, I wrote memos while conducting interviews whenever an interviewee made striking statements, such as when the head of the traditional women’s groups in Gbojay Town explained that “in this town we agreed that nobody should carry their friend to court. Nobody should carry their friend to police station. If the person does you wrong, go to the Palava Hut”; and this statement, made by the Chief of the Belema Community: “If you bypass the authority of the chief, it means you don’t want to live in that community.” Based on the notes written on these two statements, for example, I wrote further memos trying to understand the connection between these statements and another one made by a youth leader in Tubmanburg, who stated that the “court serves as an enemy, as a breeding ground for conflict in the community.”

Third, I wrote memos during informal discussions with informants, including those who did not want to be recorded. Fourth, I wrote notes during the entire process of coding and while participating in a Palava Hut process. At this stage it became more obvious to me that relationships were not only important to people, particularly in relational communities, but that they also appeared to have good reasons to sustain enduring relationships. From this observation, I jotted the following propositions in my field notes: “Relationships matter to people and they have reasons to restore and sustain them”; and “Statutory court justice is less preferred because it peripheralizes or undermines the relationships of parties.”

Prior to the main analysis process, I transcribed the entire set of audio files verbatim into a Microsoft Word document. The transcription made it possible to read the data document and write memos during the process. I read the entire data document twice, understanding and acquiring an intimate knowledge of it. I then proceeded to determine the unit of analysis for coding or coding unit, which is the unit of analysis which best captures chunks/sections of the data. For example, this can include words, phrases, sentences, a paragraph, or an entire page of the transcribed data. My unit of analysis for coding ranged from a single word to a couple of lines to an entire paragraph, insofar as each represented a meaningful segment of a statement or part of a statement. As noted earlier, the data document was coded in three stages involving open coding, axial coding, and selective coding. It is significant to note, however, that the three levels of coding do not constitute an entirely linear process, as they often overlapped, necessitating that I go back and forth between open coding, axial coding, and selective coding.

In order to ensure validity or credibility of research findings in grounded theory, it is necessary that there be a fit between the concepts or categories used as building blocks of the emerging theory and the data in which the theory is grounded (Charmaz, 2006; Glaser, 1978; Strauss & Corbin, 1998). Lack of fit between concepts and data will result in a theory that

does not reflect or emerge from the data. Fit, which refers to the extent to which a code or concept reflects the essence of the incidence it represents, is therefore an important criterion for assessing the validity of concepts and research findings (Glaser, 1978; Strauss & Corbin, 1998). One of the strategies I used to ensure the validity of my concepts and categories was constant comparison, which is discussed below. In addition, I engaged two independent researchers at the Kofi Annan International Peacekeeping Training Centre (KAIPTC) in Accra, Ghana, to evaluate 15% of my coded interviews as a way of assessing the extent to which we all agreed on the codes I used, or the level of inter-coder agreement. This was necessary to assess the extent to which the codes accurately reflected the perspectives of participants as captured by the data. Constant comparison and inter-coder agreement are discussed in the next section.

Open Coding

The major part of my analysis began with open coding. This was done by breaking the data document into segments or units that contained ideas, incidents, events or processes that were noteworthy. I marked off and separated one unit or segment of analysis from the other using different colors to make for easier identification and comparison. I examined closely each segment to understand what it was an instance of, and proceeded inductively to determine the label or code that best represented its essence. Coding inductively means deriving a code from its referent segment rather than using a priori or preconceived codes, (Charmaz, 2006; Strauss & Corbin, 1998).

At this initial stage of coding, I also established that the codes were as descriptive as possible in order to ensure a fit between data and codes, making certain that the analysis and the emerging codes did not depart from the data, but remained grounded in it. This was done by coding with phrases that “reflect action” (Charmaz, 2006, p. 48)—by using gerunds and similes. Using gerunds (words ending with “ing” that reflect process/action) and similes (that

involve comparing, using the word “as”) helped to avoid premature conceptualization or theoretical categorization, and instead helped to build a solid foundation for emerging theory that was firmly grounded in the data.

For instance, the first segment of data I coded was the following statement: “Peace only comes as a result of justice.” I inductively coded this statement as follows: “peace as outcome of justice.” The second segment of data coded was this statement: “The debate goes down to what kind of justice; whether restorative, retributive or other kinds of justice.” This statement was aptly coded as follows: “varying conceptions of justice.” Likewise, the statement “Everybody has a chance or opportunity to participate, full participation you see” was coded as “participating directly” or “direct participation.” I also used *in vivo* codes, which are participants’ own words or phrases that appear catchy and graphic, drawing immediate attention (Strauss & Corbin, 1998). Thus, the statement “Justice and peace are two sides of the same coin” was coded using the exact same words. Likewise, the statement “Court serves as an enemy, as a breeding ground for conflict in the community” was coded as “courts as a breeding ground for conflict.” Excerpts of 10 codes and their corresponding referents are presented in Table 5.1.

Table 5.1

Coding Excerpts

Srl	Data Segment / Interview Response	Codes
1	So yes, justice was done. But where was reconciliation? Where was peace? Where was the other things to be found? Till today, there is nothing like that.	Delivering hollow justice
2	The law is not interested in the relationship between these people.	Ignoring interpersonal relations
3	And in that society, each one depends on the other to be effective and to have a wellbeing.	Interdependence as survival strategy

4	The Palava Hut is also managed by a process where at the end of the process it is the community that is the victor, and not necessarily the individual.	Prioritizing the interest of the community
5	The right of the community is more valued than the right of the individual.	Placing community interest first
6	The substance of the Palava Hut is to reconcile people in a way that the society or community remains intact.	Managing social stability
7	Peace and justice, the two go hand in hand. One cannot go without the other. Where there is peace, one can logically assume that there is justice. And where there is justice one can logically conclude that there is peace. So the two go hand in hand.	Peace and justice go hand-in-hand
8	You will notice that after the war, the hinterlands where Palava Hut are used to settle are more peaceful than where we have the court system as we speak. Like in Monrovia, everywhere you go you will see problem. That is different from the interior.	Palava Hut outcomes
9	Because the first thing, the person will admit his mistakes, to agree that what he did was wrong, realizing the mistake and coming out to appeal to the person that he did the act to, then justice is obtained. That is what the Palava Hut is doing, instead of going through the court process and other things.	Reconciliation/relational justice
10	Because when we met, she was given ample time to explain her side and we were advised to respect one another's views. During that time, whatsoever come up I was already enjoying the way the people were handling it. She talked a lot from the beginning to the end and questions were posed to her by members of the Palava Hut. From there, myself I really enjoyed the way I expressed my feelings because during the time of the conflict you couldn't give me the chance to express some of the things you do to me that didn't go down well with me. But during that time I was able to express my feelings the right way I wanted to.	Participating directly

Operationally, I wrote the codes adjacent to their corresponding referent data segments in the right-hand margin of each page using the review tab in Microsoft Word. Using the review tab means that consecutive numbers were assigned automatically to the codes. I subsequently generated a coding frame, which is a list of all codes, in an Excel file (see Appendix D for an excerpt). I ensured that the number for each code in the original data document corresponded with the same serial number in the Excel file. Attaching numbers to the codes facilitated the process of constant comparison while conducting axial and selective coding.

Constant comparison involves constantly going back to the data to look for evidence that either confirms or refutes statements or propositions being made by the researcher (Strauss & Corbin, 1998). It also enhances the validity of research findings by maintaining fit between data and codes, and categories or subcategories. For example, as I proceeded with the coding process, I constantly compared the emerging codes with the actual statements made by respondents to ensure that the codes truly reflected the essence of the statements they represented. In addition, I constantly revisited the initial propositions I made—the propositions that “Relationships matter to people and they have reasons to restore and sustain them”; and “Statutory court justice is less preferred because it peripheralizes or undermines the relationships of parties”—to determine if these propositions reflected the emerging codes—that is, to confirm a fit between the data and codes, and between codes and my tentative propositions.

Second, as noted above, excerpts of my coded data were reviewed by two independent researchers at the KAIPTC to assess the level of inter-coder agreement, or the extent to which these researchers would code the same way as I did (Campbell et al., 2013). The result of the review by the researchers showed that they were in agreement with over 90% of my codes. When we subsequently met to discuss and reconcile the few coding

discrepancies that resulted from the evaluation, it became apparent that the differences were not substantive enough to influence the analysis in any significant way because the varying codes or phrases had roughly the same meaning. For example, the statement “There are elders who preside over this [Palava Hut] who have a level of respectability. They will do everything to maintain the culture of the community irrespective of what is said here; they would handle this matter to preserve the culture,” was coded by me as “elders as Palava Hut convenors.” This same statement was coded by one of the other researchers as “elders as preservers of cultural norms.” The second researcher coded the same statement as “Palava Hut elder.” Similarly, the statement “They [the youth] need to be sensitized. They need to be brought up to speed, and on the page with where they should be within the context of their communities,” was coded by me as “gaining cultural knowledge.” The same statement was coded by one of the researchers as “cultural sensitization,” while the second researcher coded it as “cultural education.” The review of coding results further enhanced my overall confidence in the fit between the codes and the raw data.

With the entire data coded, it was time to move on to axial coding, which represents the second stage of the three-level coding process. In all, I came up with a total of 1,549 codes reflecting the issues that were important to the respondents. This was later captured in a coding frame, which is a numbered list of the total codes generated.

Axial Coding

While open coding, I broke the data document into segments or units in order to examine, label, and understand the web of linkages that exist among them. In axial coding, I reassembled the data back by regrouping categories and sub-categories by means of the relational threads connecting them. Strauss and Corbin (1998) describe axial coding as “a set of procedures whereby data are put back together in new ways after open coding, by making connections between categories” (p. 96). This stage of the coding process entails specifying

the core phenomenon around which actions/strategies are initiated in terms of the conditions that give rise to them, the context in which they unfold, and the outcomes that result from the strategies (Strauss & Corbin, 1998).

By unpacking the data into segments and identifying their essence, I began to realize, for example, that a category such as “injustice” has multiple properties and dimensions, at least in the context of the data, ranging from extreme injustices (involving murder and rape) to humdrum injustices (relating to petty theft or the failure to honor one’s debt obligations). The second stage of this coding procedure, which Charmaz (2006) calls focused coding, involves the identification of major categories serving as conceptual axes around which other sub-categories—incidents, events, or processes—revolve. At this stage, I compared all the codes to determine the differences and similarities among them.

For instance, one of the main categories I located in the data was “Palava Hut process.” Palava Hut process qualifies as a category in that it refers not to any specific Palava Hut discussion that informants either talked about or which I participated in as an observer, but rather to the set of ideas and processes about the transformation of experiences and injustices within relationships necessary for restoring justice. In this sense, the Palava Hut process is an analytic concept with properties and dimensions, serving as an axis around which more specific incidents, processes, or sub-categories revolve. Falling under the category “Palava Hut process” are codes such as “bringing parties together,” “participating directly,” “investigating,” “truth-telling,” “acknowledgement,” “showing remorse,” “pleading for forgiveness,” “fines or sanctions,” and “reconciling.” Similarly, the category “strategies for addressing injustice” has properties that include judicial processes and Palava Hut processes. These processes can in turn be dimensionalized along a continuum that ranges from highly complex to complex to simple proceedings.

Generating Categories and Sub-Categories

To identify categories in the data, I first developed a coding frame, which is a list of all identified codes. I reviewed the coding frame by looking for the most significant codes and/or the most recurring codes, as well as possible connections between codes. By significant codes, I mean codes that made analytical sense and had the capacity to serve as analytic concepts in terms of being able to correspond to more specific, but related, attributes or incidents. This procedure involved a higher level of coding than the initial stage of the process, as it required determining the similarities and differences between various codes and then selecting codes that were analytically broad enough to categorically encapsulate codes that could serve as an axis around which other codes were organized.

Compared to open coding, axial coding involves a higher level of abstraction, as it directs the coding process towards the generation of working hypotheses that are tested along the way, as well as the generation of theoretical formulations from the data. With this in mind, I reflected over my tentative propositions in light of all the codes generated and discussed these with the two coders at the KAIPTC. I began to notice that relationships were clearly important to people, and that people were also conscious or mindful of the outcomes of particular modes of remedial actions on their relationships.

In order to get a fuller picture of emerging trends, I reassembled the data in a relational form by pulling together categories and sub-categories derived while open coding, beginning the process of linking the main categories together in order to determine the sort of relationships that existed among them. Whenever I located a category and labeled it, I engaged in constant comparisons by going back to the data to check if the categorical name truly represented the essence of the referent codes/sub-categories that it encapsulated. I noticed a number of similarities between some of the codes either because they related to the same ideas, incident, event, or process, or because they formed underlying conceptual

themes, enabling them to be grouped together under a specific topic, category, or subcategory.

For instance, I noticed that codes such as “we are like family,” “being interrelated,” “living in the same community,” “living together after going to court,” and “community belongingness” are not only similar in the sense of conveying a sense of shared identity or belongingness, but they also all appear to fall under a conceptual category that may be called *relational context*. This category represents a setting against which conflict or trauma may come about, and it also appears to condition the manner in which trauma within relationships gets addressed. Similarly, codes such as “having a day in court,” “facing criminal prosecution,” “judging cases,” “participating directly,” “bringing parties together in Palava Hut,” or paying “monetary fines” are similar in the sense that they represent attributes of a broader conceptual category that may be termed *strategies for addressing injustices*. A sample of the categories generated and their codes or attributes are presented in Table 5.2.

From the sample of codes and categories presented in this table, I noticed some of them were overlapping, so that a code such as “bringing parties together” could fit under the category “Palava Hut process” or “relational context,” just as “Delivering justice to communities” could fit under both “justice end state” and “restoring just relations.” To weave these categories and their attributes together coherently and theoretically, Strauss and Corbin (1998) suggest a paradigmatic model involving specific but interrelated categories. Axial coding, according to Strauss and Corbin (1990), preoccupies itself with the core *phenomenon*, which is the “central idea, event, happening, incident about which a set of actions or interactions are directed at managing, handling, or to which the set of actions is related” (Strauss & Corbin, p. 96). The core phenomenon and its related causal conditions, context, intervening conditions, action/interaction, and consequences as explained by Strauss and Corbin (1990, pp. 96-97) are captured in Table 5.3.

Table 5.1*Sample Categories and Corresponding Codes*

Categories	Attributes
Perpetrating injustices	War-related atrocities, common violations, associational injustices, etc.
Context	Civil war, TRC, UNMIL reintegration, relational context
Trauma/conflict within relationship	Living with pain/difficulty in coming to closure, severance of relational ties, negative reception, avoiding community (staying away/shifting residence), acrimony, risk of conflict recurrence, social instability, etc.
Strategies for addressing injustice (Relational transformation)	Judicial processes (prosecution), going to Palava Hut, self-help justice, simple vs. complex procedures, etc.
Palava Hut process/action/strategies	Bringing parties together, direct participation, investigation, truth-telling, acknowledgement, remorse, forgiveness, reconciling, cost saving, accessibility, etc.
Relational context	Shared expectations, group dynamics, traditional authority (influence), shared norms and values, conformity, generational boundaries, family, placing community interests first, locating individual victory in community victory, bringing parties together, having community unity as signpost, etc.
Attribute of Palava Hut convenors	Impartiality, age, gender, affiliation
Justice end state	Retribution, law and order, permanent resolution, just relations, community survival, delivering justice to communities, lasting resolution, relational justice, etc.
Consequence/restoring justice (sound relations as basis for reconciliation and peace)	Retribution, procedural fairness, equity, symbolism, restoration, just relations, peace as outcome of justice, going home after court, community stability/harmony as ends of justice, repairing relational damage as end of justice, delivering justice to communities, locating individual victory in community victory, lasting resolution, relational justice, etc.
Path to Palava Hut justice	Telling the truth, being honest, remorse, responsibility, pleading for forgiveness, reconciliation, relational justice
Relational justice	Just/sound relations, solidarity, unity, peace, justice, reintegration, etc.

Table 5.2*Categories of the Strauss and Corbin Paradigmatic Model*

Category	Explanation
Causal Conditions	Event, incidents, happenings that lead to the occurrence or development of a phenomenon.
Phenomenon	The central idea, event, happening, incident about which a set of actions or interactions are directed at managing, handling, or to which the set of actions is related.
Context	The specific set of properties that pertain to phenomenon; that is, the location of events or incidents pertaining to a phenomenon along a dimensional range. Context represents the particular set of conditions with which the action/interactional strategies are taken.
Intervening Conditions	The structural conditions bearing on actions/interactional strategies that pertain to a phenomenon. They facilitate or constrain the strategies taken within a specific context.
Action/Interaction	Strategies devised to manage, handle, carryout, respond to a phenomenon under a specific set of perceived conditions.
Consequences	Outcomes or results of action and interaction.

Note: Adapted from *Basics of Qualitative Research: Grounded Theory Procedures and Techniques*, by A. Strauss and J. Corbin, 1990, pp. 96-97.

As shown in Table 5.4 below, the core phenomenon in my research is “adversarial relationships” (damaged relationships/trauma within relations), which may be severe or minor. As such, I analyzed trauma within relationships in terms of the conditions that led to it; the context in which it arose; the actions/strategies taken to address, manage, or transform damaged relations in order to restore justice; and the consequences, or outcomes, of those strategies. Adopting the Strauss-Corbin Paradigmatic Model (1998), I located main categories and subcategories for relational justice from the data, as presented in Table 5.4.

As indicated by the data, severe trauma within relations may manifest, for example, in terms of ex-combatants staying away from the community or being accorded negative reception. Relational breakdowns may also be minor, manifesting, for example, in verbal altercations between spouses. The category that best described the *causal conditions*, or the multiplicity of events and processes contributing to cause trauma in relationships, was injustice. Injustice appeared as a broad category pulling together a wide, but similar, array of events ranging from wartime atrocities (such as murder and rape) to petty theft in the community. Thus, dimensionally, injustice can range from being extreme to being minor.

Table 5.3*Categories of Relational Justice*

<u>Causal Conditions</u>	<u>Phenomenon</u>	<u>Context</u>	<u>Action/strategies</u>	<u>Intervening Conditions</u>	<u>Consequences</u>
Injustice	Adversarial relationships	Civil war Accra peace accord Relational type/ community type/location Institutional deficits Type of justice TRC UNMIL reintegration Waning legitimacy of Palava Hut Differing Palava Huts Shifting residence	Regular Palava Hut National Palava Hut process TRC UNMIL reintegration Institutional reforms Criminal prosecution	Institutional deficits Wavering commit Community dissimilarities Contrasting Palava Huts Shifting residence	Relational justice Healing/closure Accountability Reconciliation Reintegration Sustainable peace

The *context* in which injustice and relational breakdowns unfolded included a number of incidents and events including the following: the civil war; the Accra CPA and its provisions; the type of relationships or the relational context in which interactions took place; institutional deficits that incapacitated state functionality; the TRC process and its outcomes; the reintegration process conducted by UNMIL; the type of justice; the waning legitimacy of the Palava Hut process, resulting from the desecration of traditional institutions during the war; differences in Palava Hut processes across communities; shifting residence by both ex-combatants and survivors.

Just like the multiple causal conditions that gave rise to injustice and trauma in relationships in Liberia, multiple *actions* or *strategies* were taken to address or manage relational breakdowns. This, according to the data, included the regular Palava Hut process (which emphasized truth-telling, acknowledgment of responsibility, showing remorse, and

pleading for forgiveness); the proposed national Palava Hut program by the TRC; the TRC process; the reintegration program conducted by UNMIL; and a range of institutional reforms. The *intervening conditions* facilitating or constraining these strategies, on the other hand, included institutional weakness resulting as an outcome of the war; wavering official commitment to implement the national Palava Hut program; differences in the types of communities (relational, quasi-relational, and non-relational); differences in cross-ethnic Palava Hut approaches; and population movements, which some ex-combatants used as a deliberate strategy to evade responsibility or stay away from the community.

The consequences of the *action/strategy* taken to address the core phenomenon (adversarial relationships) included the restoration of just relations, or *relational justice*; healing/closure; accountability; reconciliation; reintegration; sustainable peace; and community stability/survival. These categories are represented graphically in the Paradigmatic Model shown in Figure 5.1. As depicted in the model, the core phenomenon results from causal conditions. The core phenomenon, in turn, necessitates action/strategies in order to manage or address it. Specific strategies may, however, be influenced by the context in which the interventions happen or other intervening (structural) conditions. All of these factors will combine to produce specific outcomes or consequences.

While this framework provides a good initial starting point to begin organizing my categories at a much higher level of abstraction, it comes with a certain level of rigidity that does not enable me to proceed in terms of how I make sense of the data. While the model may fit neatly in other scenarios, it does not permit me to fully explore the nuances in terms of what people do when faced with conditions of injustice or how they go about addressing trauma in their relationships. For example, even though going to court and going to the Palava Hut are specific strategies for addressing injustice, the present structure does not identify the specific outcomes resulting from these alternate courses of action. As Charmaz

(2006) observes, the Paradigmatic Model may either “extend or limit your vision, depending on your subject matter” (p. 61). In moving forward with my theory development under selective coding, or what Charmaz (2006) calls theoretical coding, I adopted an eclectic strategy of combining the useful elements of the model while creatively linking categories in terms of how I make sense of the data, which was then validated by independent coders. I also drew on extant ideas from conflict transformation as well as Ferdinand Tönnies’ *Gemeinschaft* and *Gesellschaft* concepts. On the whole, however, the theory of relational justice derives from my field data, and it is based largely on the Palava Hut process in Liberia.

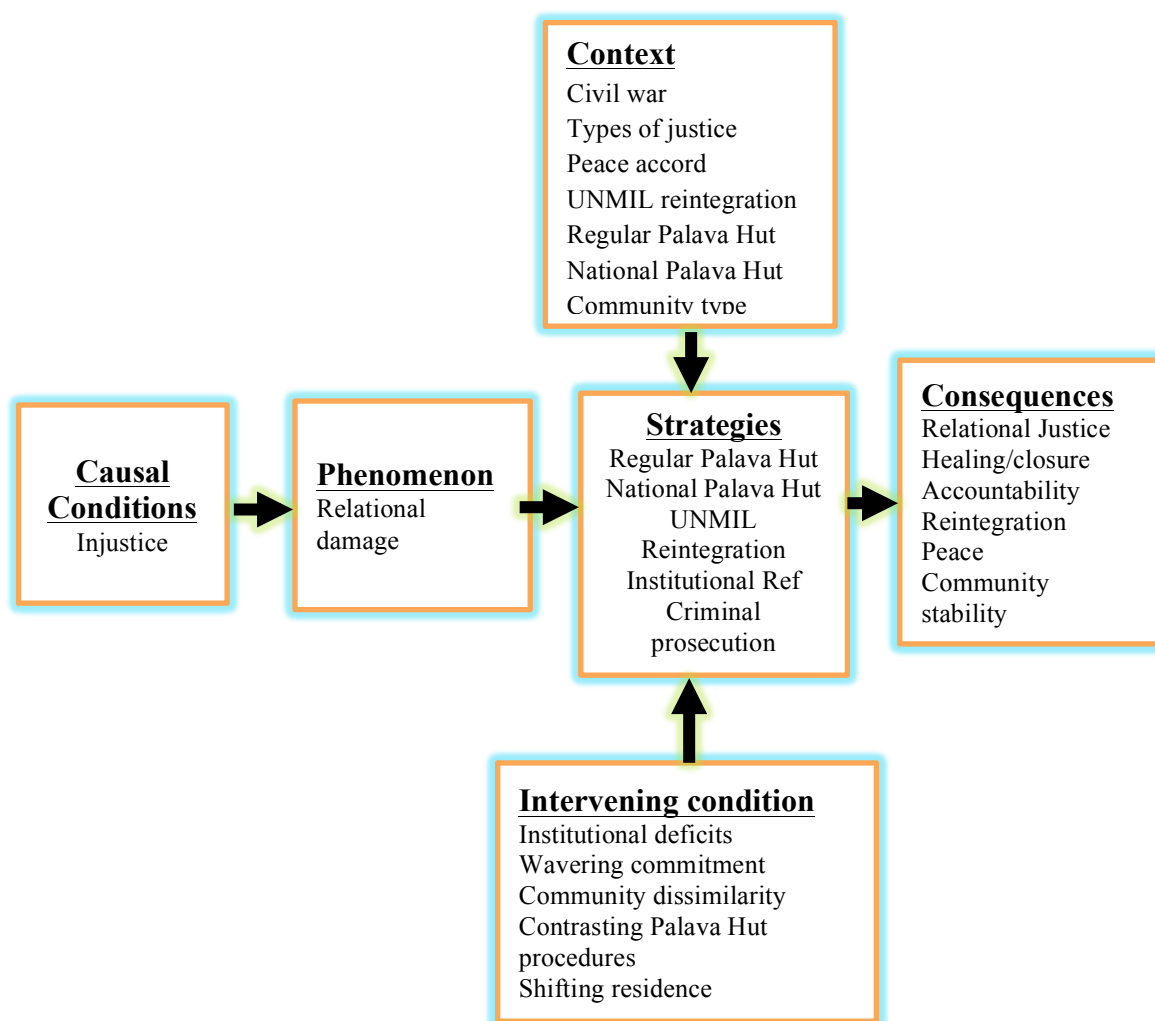


Figure 5.1. Paradigmatic Model. Adapted from *Basics of Qualitative Research: Grounded Theory Procedures and Techniques*, by S. Strauss and J. Corbin, 1990, pp. 96-97.

Selective/Theoretical Coding

Charmaz (2006) explains that selective coding, which is also termed theoretical coding, specifies “possible relationships between categories you have developed in your focused [axial] coding” (p. 63). Having identified codes/concepts and major categories that include injustice, adversarial relationships, relational context, Palava Hut process, and relational justice, through open and axial coding, I proceeded to link these categories in a way that tells a larger story about how people in relational communities transform adversarial relationships using the Palava Hut process to restore and sustain sound relationships. The emerging theory of relational justice is presented as a major result of this analysis in Chapter 6.

Summary

Empirical facts are useful in grounded theory as they serve as the basic material for building substantive theories. Theory in this sense is not possible without data. In fact, for a theory to pass as grounded theory, it must be grounded in the data from which it emerged. However, grounded theory can only emerge if empirical facts are analyzed in ways that make it possible to uncover meaningful relationships in a mass of incidents, which without analysis might remain disconnected and isolated facts, and even unintelligible. The purpose of this chapter was to discuss the processes by which I analyzed the empirical data gathered from the field in order to discover meaningful relationships in the data and to generate a substantive theory around justice. To conduct this analysis, I drew on grounded theory analytical tools involving the three-level coding process developed by Strauss and Corbin (1990)—open coding, axial coding, and selective coding. I also wrote analytical memos to complement the analysis. The analysis resulted in a theory of relational justice, which posits that remedial actions do not deliver justice for people in relational communities if these actions merely exact pain or retribution; rather, justice is obtained when remedial actions succeed in

repairing damaged relationships between parties. The theory provides a broad and comprehensive framework for transitional justice and peacebuilding.

Chapter 6

RESULTS AND DISCUSSIONS

“Ex-combatants may reintegrate more easily if they have a forum where they can tell the truth, apologize to victims and communities, and explain their actions” (Waldorf, 2009b, p. 109).

Introduction

In Chapter 5, I analyzed the empirical data gathered from the field and generated primary codes, sub-categories, and major categories that reflect events and processes around justice/injustice, the Palava Hut process, and ex-combatant reintegration in Liberia. In this chapter, I present and interpret the results of my analysis, mainly in terms of the major categories emerging from it, but also in the context of relevant literature. Five of the major categories generated were integrated to construct a substantive (but not formal)²⁶ theory of justice grounded in the empirical data, as discussed later in this chapter: injustice (causal condition), adversarial relationships (phenomenon), relational context (context), Palava Hut process (actions/strategy), and relational justice (consequences).²⁷

This dissertation seeks to understand and explain how people’s perceptions and experiences with justice/injustice influence the reception they accord returning ex-combatants; how communities practicing the Palava Hut address conflict in relationships and restore justice; and how the Palava Hut can contribute to the reintegration of returning ex-combatants. The study is, thus, about theory and policy/application, and it is intended to both broaden theoretical understanding while enhancing policy application towards transitional justice and ex-combatant reintegration. As noted earlier, the analysis generated a substantive theory of relational justice, based largely on the Palava Hut process, and it also resulted in

²⁶ See the difference between substantive and formal theory in Chapter 4.

²⁷ The categories in parentheses are the original paradigmatic categories suggested by Strauss and Corbin (1990). They guided the generation of the core categories as well as the construction of the theory of relational justice.

significant findings that reflect respondents' conceptions of justice and what they consider critical in working to restore justice, particularly under the Palava Hut. In addition, the analysis yielded significant findings that reflect respondents' perceptions of justice and how the Palava Hut currently works to restore justice. Findings also reveal how impediments to the replication of the Palava Hut in non-relational communities can be addressed to make the process an effective instrument of ex-combatant reintegration. Accordingly, the findings are divided into three major sections that reflect policy, practice, and theory.

In the first section, I present and interpret major findings relating to respondents' conceptions of justice (relational justice in particular); basic preconditions that need to be fulfilled in working to repair damaged relationships and, thus how the Palava Hut works to resolve conflict in relational communities; and the primacy of collective/aggregate interests (vis-à-vis individual interests) under the Palava Hut. In the second section, I present and discuss findings on ways in which the challenges of implementing the Palava Hut in non-relational communities can be navigated to establish an effective Palava Hut process capable of delivering the goals of reconciliation and reintegration throughout Liberia. In the third section, I present and explain the theory of relational justice.

Before doing so, however, I briefly discuss other findings, including the weaknesses of the Palava Hut. Issues relating to the type of reception ex-combatants are likely to receive are crosscutting. They are, therefore, discussed throughout the sections. I interpret the key findings with representative quotes from respondents as a way of validating the findings, and also as a way of evidencing fit, or congruence, between the data and the emerging theory. Verbatim quotes are also used as illustrations and for purposes of explanation. In order to ensure anonymity and confidentiality, quotes are not attributed to interviewees except in a few cases where research participants clearly stated that the information they provided could be attributed to them by name. In most cases, however, I referred to the respondents as

Participant 1, Participant 2, Participant 3, and so on (see Appendix E). While it seems conventional to discuss findings in terms of the main categories generated in a typical grounded theory research, I focus my discussion largely on findings resulting from the analysis that respond directly to the central questions to which this study sought to find answers.

First Set of Results: Justice Conceptions and Workings of the Palava Hut

In this section, I present and interpret the key findings of the research. In addition, the section highlights how narrowly constituted policies around ex-combatant reintegration and truth and reconciliation commissions have played out in the Liberian context. I also present and discuss a number of preconditions that, according to the data, need to be fulfilled in order to restore justice and reconciliation, and, for that matter, effective reintegration.

1. The overwhelming majority of war survivors in Liberia are still hurt and living with pain: *People have not forgotten the injustices they experienced during the war.*

At the time of data collection it had been 13 years since the civil war in Liberia was officially brought to an end. The passage of time notwithstanding, and in spite of the fact that a TRC process was conducted in Liberia and a reintegration process implemented, the findings show that many war survivors in Liberia, in the words of Participant 3, a former executive member of the Liberian TRC, “are still hurt” and living with pain (personal communication, September 4, 2015). Although the issue of pain or hurt was not one of my research questions when I commenced this project, I noticed during the data collection stage that it was a recurring theme in most interviews, suggesting that it is an important issue to respondents. Moreover, it further validates the claim that both the TRC and the reintegration processes were unsuccessful in reconciling people in Liberia, hence the need for the national Palava Hut forums.

During an interview, Participant 10, a civil society activist/Palava Hut expert, told me one of the numerous stories relating to how survivors are still bearing the traumas of the war, and how they sometimes react to the perpetrators of the injustices they experienced. This particular account relates to the story of a woman whose husband and children were killed during the civil war:

It is . . . about the story of a woman who used to sell sugarcane on the market. The war had ended and everybody was back in Monrovia now doing their business. Everybody thought, 'let bygones be bygones.' That was the kind of mind-set. And this lady selling the sugarcane saw this person coming to her and wanted to buy the sugarcane. So he took the sugarcane and handed her the money. They didn't have eye contact at that point. So she took the money and was looking for the change. To give him the money, then she had eye contact and recognized who this person was, and she took the sugarcane on the ground and just slammed it in this guy's face. And she started crying, 'You were the one who killed my husband and my children.' In open market! And these are the problems that are happening in many places in Liberia. (personal communication, September 9, 2015)

Participant 3, a former executive member of the Liberian TRC, also explained how one of the war survivors lives with his pain:

There are many people who have lost loved ones who stay through hell. There is one fellow who writes almost every year since the war how he lost his daughter and his son in-law in the war through murder by a particular warlord. For ten years, on the anniversary of their death, he wrote, he publishes the same letter over and over. He said something about how people feel very hurt, a lot of people lost properties and have not recovered since then, and it has impacted them over time and the way they view society. (personal communication, September 4, 2015)

Participant 30, a male civil society activist, also explained,

There are people who are hurt. There are people who sit in the community who have pains that their husbands and their sons were killed only probably because of their tribe. They had no bearing in anything. They were only killed because they were standing and looking or maybe they were killed because they had a television set that somebody wanted. (personal communication, September 18, 2015)

The pain certainly persists for survivors who feel they lack the agency to affect the situation, as Participant 31, a Monrovia-based adult female survivor, explains: “We see them, it hurts us. But what can we do? We can’t do anything. They abused us. They did a lot of things” (personal communication, September 19, 2015). Conflict experts and psychologists suggest that such traumas, when left unaddressed, make the processes of healing, forgiveness, reconciliation, and closure all the more difficult as survivors continue to bear the trauma (Galtung, 2001; Gopin, 2001). The fact that survivors are still living with pain makes the proposed national Palava Hut process a critical element of the peacebuilding process in Liberia. The Palava Hut process is more targeted, having the restoration of justice and broken relations as a core objective. It is able to bring both survivors and offenders together to talk and address their differences. Participant 1, a Monrovia-based Criminal Court judge, emphasized the reasons why it is crucial to reconcile the divisions in Liberian society:

You cannot have peace and reconciliation because there were a lot of atrocities and people hurt each other. And with everybody being hurt, you cannot have peace without going to the table of reconciliation. So there is a need for reconciliation, so we can have peace and unity and then of course we can have justice. (personal communication, September 3, 2015)

For those living with pain, and even for the indirect survivors of war, the findings of this study suggest that it is unlikely that they will accord returning ex-combatants positive

reception just because the offenders have been successful in learning a trade or a profession through the UNMIL reintegration process. Given that the TRC channel has already been exhausted, the Palava Hut remains one of the few avenues left for restoring justice, reconciling parties, and reintegrating ex-combatants in Liberia.

2. Justice as Sound/Just Relationships: *The ultimate aim of justice is to maintain and restore just relations/relational justice.*

One of the dominant themes most frequently referred to by research participants when responding to questions about justice or the Palava Hut process was “relationship.” When “relationship” was not specifically mentioned, respondents pointed to other related terms such as “family,” “brother,” “interrelated,” “friend,” “community,” “town,” or the phrase “we are related.” Thus, during the study, it was not uncommon to hear research participants referring to other Liberians, including ex-combatants, as “brothers.” The analysis reveals, as shown by the category “relational context” in Figure 6.1, that the sense of brotherhood/sisterhood or community affects people’s perceptions of justice and their forum of choice when seeking justice. Overwhelmingly, the majority of participants declared a clear preference for indigenous justice approaches, manifested mainly through the Palava Hut, rather than going to court. Respondents from Palava Hut-practicing communities reported that people in their communities resorted to the criminal justice system only in rare instances, when they were either dissatisfied with Palava Hut outcomes/rulings or when the case involved rape, murder, or armed robbery.

Of the 40 respondents interviewed, at least 32, representing more than 80% of the total, emphasized sound relationships as a major essence of justice or the Palava Hut process. Even the respondents from the non-relational communities of Monrovia were generally of the view that the Palava Hut process plays a pivotal role in justice delivery in rural Liberia. In their opinion, however, the Palava Hut process can only complement the existing formal

justice system due to its relative absence in major towns and cities, its weak enforcement capacity, and its inability to handle felonious crimes. These limitations notwithstanding, respondents sampled from the relational community of Gbojay, as well as the three quasi-relational communities in Monrovia, without exception, pointed to the Palava Hut as their preferred forum of first resort when seeking justice. In other words, the Palava Hut process, at least for people in relational communities, is the mainstream justice approach, and not an alternative dispute resolution (ADR) mechanism. Given that about 90% of Liberians, rural Liberians in particular, prefer the Palava Hut or indigenous justice to statutory justice (Isser et al., 2009; Sandefur & Siddiqi, 2011, p. 2012), it is the statutory justice system that appears to be the alternative avenue for justice for the majority of people, particularly in relational communities.

Respondents from Gbojay and the quasi-relational communities generally identified the process of building or maintaining sound relationships as the underlying goal of justice and the Palava Hut process. The primacy of relationship within the framework of the Palava Hut and justice delivery was emphasized most strongly by Palava Hut convenors, town chiefs, and community leaders, as evidenced in the following exchanges involving the head of the Traditional Women's Group in Gbojay:

Interviewer: Why don't you allow people to take their cases to the police but rather try to settle them within the community?

Respondent: The reason is we are like family. We are in the same district and we are in the same town. People are somehow interrelated. Even if you leave from Nimba County and come here, we consider you as our brother, we consider you as our sister. The only case that will leave here and go to police is just rape only. Sometime when you over vexed [when you are extremely angry] you don't take good decision. If you over vexed [extremely angry] and you carry your case to the police, the police are just there; the only thing the police can do is to hold them there and cool [calm] them. Then we can still go to the police and tell them these are our children. They had misunderstanding so please give us this case, let's go and settle it. Then we can come

and have that case settled for there to be peace. (personal communication, September 15, 2015)

The Town Chief of Gbojay provided similar responses during my interactions with him, as captured in the following excerpt:

Interviewer: Why should people bring their cases to the Palava Hut instead of taking them to the police or court?

Respondent: For us to be together. For us to be together. For us to work together.

Interviewer: What exactly do you mean when you say ‘for us to be together’? Can you please explain?

Respondent: Yes. Because this man is my brother and he is doing something. If he brings a complaint to me, I can’t say no, but to judge your case and give the final say, for us to be together and work together as family. (personal communication, September 15, 2015)

Other respondents expressed similar sentiments. The District Administrative Assistant in Gbojay, for example, explained why statutory justice is less preferred in Gbojay:

The reason is very simple. You will have that anxiety and say, ‘I’m going ahead, I’m going ahead.’ You may carry the person [to police/court], they levy some fine on that person and they [people in the community] will say you are guilty for doing this to X or Y, or you are wrong to do this to C. At the end of the day, you are coming back to live in the same town or in the same village to live together. . . . You may have carried one person to the magisterial court. But that one person you carried [to court] has family behind him or her. Any penalty that that person will face over there, that family too will say, ‘If Gbanja carry my brother or my sister [to court], myself I will one day pay my debt.’ And you know we intermarry and interborn [have children with other families within the community]. So to maintain the relationship, you have

to do away with some things. You agree with the elders to settle the dispute, then together you can live in peace. (personal communication, September 15, 2015)

Debey Sayndee, Professor of Peace and Conflict Studies, and Director of the Kofi Annan Institute for Conflict Transformation at the University of Liberia, made the following observation:

Families come and they have a contention and they go to the law. Typically two brothers or a father and a son or whatever. The law is not interested in the relationship between these people. You may have the law and execute the law. When they leave that courtroom, they have to go back home. What becomes of them? The law is interested in the fact that the law was enforced. (personal communication, September 10, 2015)

In relational and, to an extent, quasi-relational (Palava Hut-practicing) communities, as revealed in the above exchanges, there is a strong desire “to be together” or to live as “family” and to, therefore, sustain the ties that bind people together as members of the community. This is because the basis of group cohesion and solidarity, or the ties uniting members into a common “we,” appears to be grounded not only in shared norms and values, but also anchored in dense kinship ties or familial affinities consisting of several extended families. The density of kinship-based ties in relational communities is aptly captured by Participant 10, a civil society activist/Palava Hut expert, who explained, “In my district, to marry a woman, you have to go outside the district because there is only one family there. We are all interrelated” (personal communication, September 9, 2015). This remark captures the typical essence of what it means to be part of a community, at least, within the context of the relational, or Palava Hut-practicing, community.

High relational density in relational communities means that injustice or conflicts manifesting between parties have the proclivity to disrupt aggregate relationships at the

communal level, if for no reason other than that each specific relationship represents a link in the broader relational ties that bind people together in the community (Chachine, 2008; Deng, 2008; Mbiti, 1969). As such, injustice appears to violate not only the direct victims, but also the community as a whole (Mbiti, 1969). While it is necessary, therefore, to redress injustices and the relational traumas to which they give rise, the emphasis on mending broken relationships means that the formal justice system and the retributive measures they emphasize do not deliver justice for the majority of people in relational and quasi-relational communities. For respondents in this study, formal-legal justice or retributive justice appears more as the last resort, as explained earlier. It is seen as inadequate at best, and divisive at worst.

Such is the desire to restore and sustain sound relations and the effectiveness of traditional justice procedures that even cases involving accidental killings are sometimes settled through indigenous justice channels, most notably the Palava Hut, without going to the police or the courts. During an interview with Participant 1, a Monrovia-based Criminal Court judge, the significance and the potency of the Palava Hut was revealed to me when a sitting/serving judge (I was interviewing in his Monrovia office) explained to me how the Palava Hut was used to resolve a case involving an accidental killing that he personally witnessed. His account was particularly revealing. He explained the incident, which occurred in his district, in Liberia:

[People were at a funeral] . . . somebody died. And while they were playing some traditional drums, they were dancing traditional dance, and while they were dancing, they were shooting in the air. And mistakenly, one of the men shot and killed the District Attorney, who was the prosecuting arm of government of my district in my presence. I was far from there anyway but I heard the gunshot and the man fell down and died. But yet, we went to a Palava Hut and we sat down and we talked. And he

said ‘I’m sorry. I didn’t mean it.’ And they were able to forgive him and they stayed there. They have not gone to court for that. The family of the deceased said, ‘Well, well, that’s alright, we forgive him,’ and then that was it. There was no prosecution. They didn’t prosecute the person. That was it. (personal communication, September 3, 2015)

This account was particularly revealing because of the victim involved: a district attorney. Also, one would have expected that as a judge of a statutory court, the interviewee would have reported such an incident for legal action even if no one else did. The fact that a judge of a legal court found the Palava Hut useful, the fact that the victim in the incident was a district attorney, and the fact that the case involved a killing all show the degree of value people in Liberia perceive in the Palava Hut process. The fact that the Palava Hut was successful in resolving a case involving an accidental killing seems to suggest that it is capable of addressing a wide range of issues. But then the offenders must be willing to tell the truth—and plead for forgiveness—as emphasized by most participants, explained under a point in this section.

Another striking finding of the research is the view held by some of the respondents that the formal justice system serves as a source of conflict, or a “breeding ground for conflict in the community,” as maintained in the following exchanges with a youth leader in Tubmanburg:

Interviewer: Why should people not send their matter to court but send them to the Palava Hut?

Respondent: People feel that if I took you to court, I will be planting an enemy tree between you, myself, and our children to come. So it was based on that people said well instead of going to court process, ‘Let me carry the matter to the elders [Palava Hut convenors] for the elders can be able to settle it, because I wouldn’t want to see my brother and myself going to court.’ They confide in the elders because the elders have wisdom, so that particular system is almost like a court because whenever they

went through the matter, if this person or the sister did not behave well to the other, they will give advice or impose a fine in the form of reconciliation and sometimes, they will do that and they will call the two parties and say come and reconcile.

Interviewer: You mention ‘planting an enemy tree’; can you explain that a little bit?

Respondent: The conflict tree that will be planted is, if you are in conflict, because most of the people you see around here, they live together as a family at the community and town levels. So if there is a burning issue from one of the family members and they went to court, as I said, the family of that person who is taking the court action and the person who was taken to court will no longer relate. There will be conflict. They will say, ‘Why did you take our Paa, our Maa, our aunty to court? You shouldn’t have done that.’ So court serves as an enemy, as a breeding ground for conflict in the community. So that’s why our people set up the Palava Hut in the town—so that if there is an issue in the community, let us meet and come together and handle it, and that’s how it has been helping the community to move on. (personal communication, September 16, 2015)

The Township Commissioner of Suehn District, Gbojay (a Palava Hut participant), offered a similar explanation during an interview:

Interviewer: What will be your suggestion to someone who has a case and is thinking about how to go about it?

Respondent: I will advise that if there is such a case between somebody and somebody, don’t quickly go to the law court. Me, the Palava Hut! That is the old people, the community people, to meet so that they can discuss it.

Interviewer: Why should the person not go to the police but come to the Palava Hut?

Respondent: The reason is very simple. If you go to the police, you are on the higher level now. But if you want to have togetherness, you will come down first to the old people.

Interviewer: When you talk about ‘togetherness,’ what exactly do you mean?

Respondent: Togetherness is, if you call police to come and arrest somebody from here now, and he is dragged or carried away to the [police] depot, the family of the person and your family’s grieving will be there [persist]. Both families, down to you, even yourself, when that young man or he or she sees you he will say to that man, ‘I

will never forget what he did to me,’ and then at the end of the day it becomes division. (personal communication, September 15, 2015)

Participant 21, an adult female survivor in Gbojay, similarly faulted the formal criminal justice system for being a source of what she termed “enemyship” [enmity].

According to her,

If you just take your case straight, you carry to the police, that will bring enemyship between you. So you have to bring it to the old people [Palava Hut convenors]. When they fail on it, now you carry it to the police . . . If I carry my friend to the police, he will spend money. When we come back home, the person will never feel fine about me. His family will not feel fine about me. That is why it can bring enemyship.

(personal communication, September 15, 2015)

Unlike the Palava Hut process, which is widely thought to foster reconciliation, unity, and a sense of forgiveness among people in the community, the courts are perceived as a source of division due to the punitive and excludable nature of their sanctions. This is particularly the case when it comes to sanctions involving the incarceration of an offender. Even if offenders are not necessarily imprisoned, the formal system can involve the payment of excessive monetary fees to the courts, lawyers, or the victorious party, which many are unable to afford. Moreover, people need to abandon their farming to participate in court proceedings. Thus, aside from the law courts’ inability to reconcile the parties in a dispute, a large majority of respondents reported affordability, participation, accessibility, corruption, and timeliness as major hindrances that rendered this option unattractive as a forum for seeking justice. In fact, some respondents feared being victimized in court, particularly if the adversary is a “big man,” as he or she could easily buy his or her way through the system by paying bribes, as Participant 33, a female Monrovia-based indigene of Gbojay maintained:

In our setting here [Monrovia], usually people go to court over land issue. Yes, usually people will go to court. One person will sell the same land to more than two or

three persons. And at times, one of the persons who bought the land, maybe they are wealthy. You don't have the opportunity to go to court, because if you go to court you have to hire a lawyer. Even if they give you a government lawyer, going against a rich man, government lawyer will not be sufficient. So most of the time, you will not get the justice that you deserve; you might not get it. (personal communication, September 20, 2015)

Seeking justice through the Palava Hut process, consequently, enables people, particularly those who are unable to afford the exorbitant monetary fees associated with court litigation, not only to still receive justice, but also to bypass the payment of bribes when the delivery of justice is tied to bribe giving. In other words, the Palava Hut process is accessible to all and conducted in a language that people understand. It is based on the cultural norms and practices of the people. Moreover, those who preside over Palava Hut sessions are trusted and distinguished personalities— such as chiefs and opinion leaders—from the community. It is therefore not easy to use (legal) technicalities, as may be possible in court rulings to unduly circumvent decisions. As a result, the Palava Hut process can help reduce corruption in justice delivery.

The issue of corruption is widely reported as a major hindrance to equitable justice delivery in Liberia, as it is elsewhere in Africa. In their study on local justice delivery in Liberia, Isser et al., (2009) found that most Liberians believe corruption to be determinative of judicial outcomes. According to these researchers, “Outright bribery is assumed by virtually all Liberians to play a determining role in most formal court outcomes and believed to be indispensable if you want to win a case” (p. 41). The opportunity offered by the Palava Hut to people, particularly poor people, to obtain justice without paying bribes is significant indeed. Moreover, the Palava Hut can complement the work of the formal courts (Jaye & Bloh, 2015). These are some of the reasons why Pajibo (2008) asserts, “Most Liberians who

participate in this [Palava Hut] system hold it in high regard and see it as part and parcel of their cultural heritage, and therefore accept the need to preserve it” (p. 23).

Notably, the conflict-yielding potential of the formal system, on the one hand, and the critical need for enduring relational ties, on the other, led to one of the most significant findings of this research. By tradition, with some exceptions, it is not permissible for people in Gbojaye to bypass the appropriate local and traditional authorities and take matters straight to the statutory courts or police. With the exceptions of felonious crimes relating to rape, murder, and armed robbery, all issues arising in the community are to be addressed using local structures or the Palava Hut process, as reported by the leader of the Traditional Women’s Association of Gbojaye:

Traditionally, in this town we agreed that nobody should carry their friend to court.

Nobody should carry their friend to the police station. If the person does you wrong, go to the Palava Hut, go to the elders, go to the women, the town chief and sit down and talk it, with the exception of murder and rape. That’s what we agreed on.

(personal communication, September 15, 2015)

This practice is replicated in the quasi-relational communities in Monrovia. The tribal governors, who preside over the Monrovia-based quasi-relational communities, reported going to the police to withdraw cases involving members of their community for amicable settlement under the Palava Hut. In fact, a female adult interviewed in Clara Town, Monrovia, said she could not go directly to the police to report a case without first going through her local leadership because “when I go to the police they will ask me your leadership know? Or your elders know in the community? That is the first question they will ask me” (personal communication, September 19, 2015).

Consistent with the theory of relational justice, the analysis shows a general consensus among Palava Hut-practicing Liberians that people’s sense of justice is restored

when remedial actions succeed in repairing damaged relationships. For this category of respondents, the ultimate aim of justice is to restore and maintain just relations/relational justice. As such, they generally perceive retributive outcomes emanating from the formal justice system as inadequate, running counter to the goal of ensuring unity and cohesion in their communities.

Clearly, the motivation that drives relational justice differs from the logic that underpins justice as retribution. According to Debey Sayndee, Director of the Kofi Annan Institute, whereas relational justice emphasizes sound relationships between people, statutory justice “is interested in the fact that the law [is] enforced” (personal communication, September 10, 2015), or the fact that law and order is maintained. A basic implication of these differences in logic for the reintegration of ex-combatants appears to be that, even if ex-combatants were prosecuted for the wartime injustices they committed, it is unlikely they will be accorded positive reception by survivors in relational communities until they appear before the Palava Hut. Similarly, economic reintegration, or the idea of reintegration as income and livelihood capacity, which currently occupies the center stage of UN-mandated reintegration programs, is not only inadequate as a tool of reintegration, but it can also actually run counter to the goal of reintegration when decoupled from social reintegration, which relates to the relational dimension of the process.

3. Truth-telling, honesty, responsibility, remorse, and forgiveness are associated with justice: *The overwhelming majority of respondents associated justice with offenders telling the truth/being honest, acknowledging responsibility/admitting guilt, showing remorse, and pleading for forgiveness. The Palava Hut works to resolve conflict, restore justice, and reconcile parties by ensuring that these preconditions are met.*

When asked to explain what the term “justice” means to them, the overwhelming majority of respondents associated the term with truth-telling/honesty, acknowledgement of responsibility or admission of guilt, showing remorse, or pleading for forgiveness—which are

all themes emphasized under the Palava Hut. The group of respondents emphasizing these themes came mainly from Palava Hut-practicing communities, but also, to an extent, from those sampled from non-relational communities in Monrovia. The latter group also associated justice with fairness of procedures and distribution, as well as accountability or retribution. Some conceived justice in terms of criminal prosecution. In other words, although there was a dominant emphasis on relational issues, the explanations of justice involved retributive, procedural, distributive, and restorative issues.

From a retributive perspective, for example, justice was explained by Participant 4, a female lawyer in Monrovia, in the following terms: “You must have your day in court, stand for what you have done . . . You cannot come and kill someone and then the government let you to go free. You need a day in court” (personal communication, September 4, 2015). This explanation of justice by a lawyer in a non-relational community in Monrovia clearly reflects a retributive conception of justice. It does not, however, imply that people in non-relational communities necessarily perceive justice in retributive terms only. Some actually perceive value in relational justice terms also, as Participant 1, a criminal court judge, explained:

The concept of justice is not only in the court of competent jurisdiction alone. You can even have justice in the Palava Hut in the community. Where you have the elders, you have the chiefs; you have eminent people, traditional people, who know the norms. And you can go there and carry your dispute there and they can settle it in the Palava Hut, and also have peace and reconciliation at the Palava Hut, in any given community. (personal communication, September 3, 2015)

One of the explanations of justice that reflects a procedural justice conception is the following, offered by a Monrovia-based human rights lawyer: “Justice is providing due process, providing people who are accused or who are perceived of doing wrong an

opportunity . . . to defend themselves” (Participant 7, personal communication, September 7, 2015).

An example of the explanation of justice that reflects a distributive justice perspective is the following offered by a human rights activist and a Palava Hut expert:

When you have great inequality, you have more criminals. So justice is not about prosecuting crimes. It is about paying attention to the concept that every human being has to live in dignity and the manifestation of that dignity, that that person has opportunity to acquire skills, opportunities of living a healthy life, opportunity to become productive, what we call employment. It’s not about prosecuting crime. It’s about paying attention to dignity and manifestation of it. (Participant 10, personal communication, September 2015)

Thus, a variety of perspectives, cutting across the dominant conceptions of justice (see Chapter 3) were reported, with most views, predominantly those of participants from relational communities, converging around relational justice. Respondents’ views on justice showed that they generally prefer relational justice, and not merely punishment, as explained below.

Justice Rather than Punishment

A significant finding emerging from this study, at least from relational and quasi-relational communities, is that justice goes beyond retribution, since formal retributive structures do not address the relational dimension of conflict and justice. Although retributive, procedural, restorative, and distributive justice matter, they all form part of the process of working to achieve relational justice. As a civil society activist and a Palava Hut expert put it, “Justice is not about somebody stealing my money, I go to court and they are prosecuted. No! That is a process in the system of going towards justice” (Participant 10, personal communication, September 9, 2015). Joseph Guannu, the Director of the Institute

for Peace and Conflict Resolution at Cuttington University in Liberia, similarly noted, “Justice is more than giving to someone what he deserves” (personal interview, September 22, 2015). The notion of justice as “giving to each person his/her due,” originally put forward by Aristotle in his *Nicomachean Ethics* (Trans. 1999), serves as the axis around which most Western conceptions of justice revolve (see Chapter 3). For the majority of people in relational communities, however, justice occurs when conflictual relationships are transformed (usually through the Palava Hut process). This points to another source of divergence between retributive and relational justice.

To transform conflict in relationships, respondents—including war survivors (both direct and indirect victims of wartime atrocities)—reported specific minimum conditions necessary for inducing creative changes and restructuring current relationships. These follow a continuum of transformational steps that generally begin with truth-telling and end with forgiveness, as parties are supported in resolving their differences and reconciling under the Palava Hut.

Truth-telling

A major precondition of reconciliation, according to most respondents, that offenders—particularly those blamed for wartime atrocities—needed to fulfill was to publicly tell the truth about the role they played in the war, or the specific injustices they were responsible for. This logic, which has wide resonance in scholarly discourse around transitional justice, seems to be that justice is not possible when the truth is not known (Perry & Sayndee, 2015; Rigby, 2001; Rotberg & Thompson; Waldorf, 2009b, 2009c). In fact, some respondents equated justice with truth-telling, as did the Town Chief of Gbojay who, when asked the question “What is justice?” replied, “It [justice] simply means truth. Yes! If I do something to you and we want to talk about it, you must say the truth. Justice, that’s the simple way of saying it (personal communication, September 15, 2015). Similarly, Fala

Brown, the Deputy Tribal Governor of Kissi Community in Monrovia, said, “Justice means that you tell the man the truth, that you tell the man the truth. When you tell the man the truth, those that can reason, they will tell you to forget (personal communication, September 11, 2015). Likewise, the President of the Tribal Governors Association explained justice in the following terms: “Where the truth is, you put it there” (personal communication, September 7, 2015).

Both individual survivors and justice professionals taking part in the research perceived value in truth-telling because, according to them, truth and honesty are not only at the heart of successful dispute transformation in their communities, but truth is also a crucial ingredient in their attempts to overcome injustices of the past. This is because, as a youth leader from Tubmanburgh, Bomi County explained, “When people admit the truth, it helps to kill the spirit of anger” (personal communication, September 16, 2015). Participant 16, a Monrovia-based adult male survivor, also saw truth as a central element of the Palava Hut process and a critical ingredient for forgiveness:

The Palava Hut is all about saying the truth there. Going there and saying the truth. It will give other people the will and grounds to forgive you. But when you go there and start to defend yourself, you start to lie to the people, you will get the people annoyed. Some of them will start to leave the place because you are lying. (personal communication, September 12, 2015)

Survivors reported that knowledge of the truth meant knowing what they needed to forgive, but truthfulness was also said to be cathartic in the sense of providing psychological relief or serving as a source of satisfaction and peace. As the head of the Traditional Women’s Group in Gbaojay, who is also a war survivor, expressed, “People should be able to talk the truth. Then my heart will be satisfied. And when my heart is satisfied, then I’m in

peace. Once I'm in peace, then you that did the thing, we accept you" (personal communication, September 15, 2015).

An adult male survivor in Monrovia, the Town Chief of Gbojay, Gbojay, found it unacceptable when offenders failed to tell the truth:

Why can't you be fair to say the truth? If I will forgive you, I will forgive you. If I don't want to forgive you, I won't. But it's better you say the truth and let me know what you did to me was wrong, and you know that it was wrong and that is why you came up to apologize to me. (personal communication, September 15, 2015)

When asked what he considered important in deciding to forgive and reconcile with an offender, a youth leader in Tubmanburg had this to say:

The best way to reconcile with people is for people to come out and say, 'You know what? I did this to you some time ago. Please forgive me.' When people admit the *truth*, it helps to kill the spirit of anger because when I err you and I come to you and say what I did to you is not good, please forgive me. So this 'peace hut,' it will be good when it is established. That will give a space for people to come out to speak the truth, to reconcile directly with those who were affected in the process. (personal communication, September, 2015)

Justice as truth-telling is revealed by the data as beneficial in another sense.

According to some of the respondents, truth-telling makes possible some modicum of justice—not necessarily through the formal legal justice system, but within the non-state or indigenous justice mechanisms of the Palava Hut. For them, the very act of telling the truth in the context of the community is thought to contain a degree of punishment. As Henry B. Fahnbulleh, a Liberian legislator, put it, "Even coming up to admit in the Palava Hut setting is punishment enough. Even to be exposed to say you did this, yes, 'I did it.' That is

punishment. And once that happens you get justice. That's how I look at it. (personal communication, September 3, 2015)

In Liberia, differing representations of justice exist within the country's dual justice system, consisting of the formal criminal justice system and customary law. As a former executive member of the Liberian TRC explained,

Justice can be done in many ways—not necessarily by arresting people and putting them in jail. It may simply mean, for example, people coming out and admitting that they've done this to you. People are listed and, for example, shamed by the public.

Those things bring a sense of closure to a number of victims, as far as the civil war is concerned. And personally, I believe that justice and peace should work concurrently, in post-conflict societies. (Participant 3, personal communication, September 4, 2015)

As significant as truth-telling may appear, not every respondent saw it as adequate. In fact, when detached from other imperatives that combine to inspire forgiveness and healing, truth-telling by itself has the potential to undermine the process of reconciliation and peace (Sriram & Pillay, 2009; Waldorf, 2009b, 2009c). It is sometimes not easy to tell if offenders are really telling the truth. Truth, as Waldorf (2009b) notes, “is an inherently slippery and contentious concept” (p. 111). Galtung (2001) similarly maintains that “truth alone is merely descriptive, not spiritual” (p. 12). Truth, in fact, can run counter to the need for reconciliation, particularly when survivors get to know the truth as to what actually happened to their loved ones and who was responsible for the injustices, especially when those survivors are left to deal with the memories, pain, and anger (Hayner, 2002; Perry & Sayndee, 2015). The potential for triggering revenge attacks in such circumstances seems obvious when people harbor feelings that impunity is being overlooked, complicating the process of reconciliation and peace. In other words, truth-telling can prove counterproductive when perceived by perpetrators as a handy justification to explain away the injustices they were responsible for.

Admission of Responsibility

In addition to truth-telling, respondents perceived the admission of responsibility, or “acknowledgement of one’s wrongdoing,” as vital for securing justice and moving towards the process of reconciliation and reintegration. In fact, acknowledgement of responsibility was widely reported as the second critical condition for moving towards justice under the Palava Hut. It is a cardinal element of the Palava Hut process, as a commissioner of the erstwhile Liberian TRC maintained:

At the heart of any dispute within the traditional setting, the core issue is whether one accepts responsibility or one does not accept responsibility. So the issue is acknowledgement, acknowledgement of one’s wrongdoing. That is key in our traditional societies. (personal communication, September 10, 2015)

According to a human rights lawyer in Liberia, one of the consistent complaints leveled against ex-combatants and their commanders is the charge that “[w]e have a situation where some people are still boasting and justifying why they killed people” (personal communication, September 7, 2015). Not surprisingly, truth was reported as having the greatest impact on justice and reconciliation if, in the words of a former executive member of the Liberian TRC, it was told “not as justification, but as explanation” (personal communication, September 4, 2015), accompanied by apologies expressed in terms such as “I am sorry for what I did,” or if the truth comes with atonement and reparation.

Showing Remorse

Parties get a step closer to securing relational justice when offenders, in addition to telling the truth and admitting responsibility, show remorse for their actions, remorse being the third cardinal condition on the path to securing relational justice (Waldorf, 2009b). As a former commissioner of the Liberian Truth and Reconciliation Commission explains, truth-telling, acknowledgement, and remorse are thought to “open the road for forgiveness.”

(personal communication, September 10, 2015), particularly when remorse manifests as genuine sorrow on the part of the offenders and a show of compassion for those who were the targets of their action. This can inspire closure by encouraging victims to abandon or give up hostile intentions against their offenders, just as it can facilitate healing “in the sense of being rehabilitated” (Galtung, 2001, p. 4). Accordingly, when asked how ex-combatants could be reconciled with and reintegrated into their communities, a Monrovia-based human rights lawyer offered the following explanation:

Some people really want the opportunity to say ‘I’m sorry.’ The TRC process stopped at fact-finding; it never got to bringing victims and perpetrators together to find peace. So that is the part that is left, you know, and the people want to find out whether people are genuinely remorseful. I mean you can tell that ‘I am sorry . . . I am really sorry, you know, and this is what caused me to do this. Someone lied to me and said, “It was your father who killed my father, so I wanna kill your whole family,” but I realized later on that it was not true’; that is the kind of sorry that reconciles people, you know, because you’ve given reason why you did something, other than I am sorry. (personal communication, September 7, 2015)

A Child Protection Officer/Advocate based in Monrovia offered a similar response when asked what he considers important in whether deciding to welcome returning ex-combatants or not:

To welcome an ex-combatant that has done some harm to the community, one of the factors is that first there has to be remorse on his part, this ex-combatant must show that, yes, he is completely sorry for what he has done in the past and be willing to apologize both to the individuals he committed wrong to and to the community. And when he has done that, then the community can look at that and be sure once he has done it faithfully, he has done it from his heart; then the

community will look at him and go through a process—a ritual process of accepting him back to the community. Usually there is a cleansing process where he gets the blessings of the elders of the community either by bathing him, or sometimes they have a small meal that they eat together and consider him again a part of that community. (personal communication, September 21, 2015)

In fact, the significance of remorse in the process of healing and reconciliation was pivotal in the consideration of the commissioners of the Liberian TRC process when they recommended the establishment of the Palava Hut process across the length and breadth of the country, as an executive member the TRC explained:

We had recommended the Palava Hut for a number of reasons. There are other political leaders in the country who may have been part of the war but not directly—who could not necessarily be sanctioned to face prosecution because they didn't commit those crimes. And we felt that the Palava Hut will also provide an opportunity to go back and tell the community you are sorry, and it can be resolved there. But there are others who will go, reconcile with the community but can still not be absolved of those crimes. So for example, if a former warlord went to the Palava Hut, he will typically be going there to see how he can reconcile with the community. But the crimes committed during the war cannot be amnestied. You still have to pay for those crimes. The Palava Hut mechanism is a localized way of getting ex-combatants back into their communities, typically to reconcile with the community after war and also help rebuild the community. Typically the purpose of the Palava Hut really is to help reintegrate people: to reconcile. (personal communication, September 4, 2015)

A significant point reflected in the above remark relates to the fact that those responsible for extreme human rights violations, such as rape and murder, could not be

absolved of their crimes just because they appeared before the Palava Hut. Even then, it is still relevant for them to go to the Palava Hut in order to reconcile with the community. In other words, even if it were possible to prosecute such perpetrators, that in itself is considered inadequate to inspire positive reception from survivors in the community. Thus, such cases demand both prosecution and appearance before the Palava Hut if the perpetrators are adults who perpetrated atrocities either directly or by directing/inciting others to do so—or, in the words of Galtung (2001), if the actions were “actor-oriented” where the perpetrator had the “free will” to act (p. 5). Significantly, regardless of the nature of atrocities committed by children/minors or child soldiers during the war, these perpetrators were universally regarded as victims by the respondents. Also, respondents generally reported that children and those who were coerced to carry out atrocities should be separated from their commanders and amnestied or absolved of prosecution, as explained by a Monrovia-based human rights lawyer:

You know we have to define the parameters of justice. We know universally, even here, that there are those who are the main actors and there are those who are constrained to act. I am not saying in Liberia some people didn't carry out orders. They themselves were subject to being exterminated. There were some people who were coerced into action. There were people who cannot successfully claim that they were constrained to act because people knew that in their parameters of operation, they were the main actors. So all of these are known to society. Me, I'm not going to carry every child soldier to the tribunal. (personal communication, September 7, 2015).

The actions of such perpetrators were motivated by “a deficient structure” and not free will (Galtung, 2001, p. 5). Although respondents were overwhelmingly of the opinion that this category of offenders should not be prosecuted, they reported that it was necessary

for them to appear before the Palava Hut in order to reconcile with those who were the targets of their atrocities, as well as the broader community, as stated below by a civil society activist and a Palava Hut expert:

The TRC law said that those that bear the greatest responsibility will be held accountable. Then the other thing was that there are many people who were in that chain of events who visited mayhem on our people. Most of them were young people. Some of them were victims who became perpetrators. So how do we deal with this category of people? So the idea came that maybe the Palava Hut will be the solution because whereas the conduct bordered on criminality, there were mitigating circumstances around them. First, they were young people who were recruited into war, which is war crime by itself. The recruitment of child soldiers is a war crime by itself. The other issue was that they were drugged. Or sometimes they were victims whose parents were killed and had nowhere to go and saw this as the only acceptable action, and also some of them were forcibly recruited. So, with all of those mitigating circumstances, we said, 'Well, perhaps this [the Palava Hut] could be the ideal model to address these things' [to reintegrate the young ex-combatants]. (personal communication, September 9, 2015)

What this suggests is that, although the Palava Hut process cannot be used to address some forms of war-related crimes, there are other forms of war-related violations for which it is applicable and necessary, particularly those violations involving children and people who were coerced into committing human rights violations. This group of actors is not likely to be successfully reintegrated into the community if the preconditions emphasized for reconciliation by respondents are not met.

Plea for Forgiveness

The result of the study indicates that in addition to truth-telling, acknowledging responsibility, and showing remorse, the majority of respondents expect offenders to plead for forgiveness because that gives victims the opportunity to decide whether or not to give clemency. As stated by a Monrovia-based human rights lawyer,

That is justice because that increases their [survivor's sense of] humanity. They can say, in fact, 'I'm better reconciled, I'm better at peace. I don't to the least degree put myself in the same shoe as the perpetrator. I'm not an evil person, I forgave you for the evil you committed against me by killing my parents, by killing my children by cutting my arm, I forgive you.' (personal communication, September 7, 2015).

The four preconditions for justice specified above (truth-telling/honesty, acknowledgement, remorse, and plea for forgiveness) were clearly not met during the TRC process. Nor were they considered at all during the reintegration phase of the Liberian DDR process. Since criminal accountability or judicial prosecution has not been an attractive option in Liberia, one can agree with respondents who state that most war survivors are still living with pain and that there has yet to be closure, as discussed in detail below.

The Preconditions for Justice, the TRC, and Reintegration Processes

Although the plea for forgiveness by offenders, the fourth basic precondition emphasized by respondents, is critical, this appeared not to be forthcoming during the Liberian TRC process, which clearly followed the logic of restorative justice. The priority placed on these preconditions, as revealed in the respondent quotes above, and vis-à-vis the difficulties encountered by TRCs when they seek to reconcile perpetrators and survivors (Mani, 2005), exemplifies Waldorf's (2009b, p. 111) assertion that TRCs do not promote reconciliation (see Chapter 1). In fact, the TRC's inability to effectively discharge its

reconciliatory function gave it the image of a truth commission and not a truth and reconciliation commission, as the following Liberian academic averred:

To begin with, I have gone on record on this that the Liberian process, my best description is that it was a truth commission and not a reconciliation commission, because very little if any process of reconciliation actually was carried out by the Commission. What was really seen as the task carried out by the commission was they organized testimonials where perpetrators, alleged perpetrators, and victims came and gave testimonies. And at the end of those testimonies, they walked away. Till today many people are questioning: This guy came and stood in a public square and said he killed such and such a person, he burnt down that place, he destroyed that, and he walked away. Is he going to feel that “I did it, I said it, and that’s the end?” The people who heard him now know this is the guy who killed my aunt or my cousin or my uncle or whatever. Are they going to say, ‘Now that I know who did this, I now know who to go after?’ And especially after six years of inaction, is this guy going to take things his own way? Is he going to continue to be patient and wait for a few more years [until] hopefully some kind of redress will be given to victims? These are the issues that will not allow a very easy process of describing the Liberian process as a truth and reconciliation process. Normally that’s what those processes are . . . Because that reconciliation component did not really become an integral part of the truth and reconciliation process as it should have been, that is why the recommendation was to take that process through the Palava Hut process as one of the options. (personal communication, September 10, 2015)

This deficiency is clearly evidenced by the recommendation of the TRC calling for the establishment of the national Palava Hut process to reconcile people and restore broken relationships. While the Commission was established in the first instance to promote truth

and reconciliation, it was not successful in reconciling people, as a civil society activist and Palava Hut expert maintained:

I think that it may not really matter what you have done, but if you have humility to seek forgiveness, I think for the most part, you will get it. One of the problems we have now is that if you listen to the testimonies, nobody, not a single person, especially the perpetrator, did that. They all justify what happened; this was war. No! It's not war. It was fratricide. We were just killing each other for nothing. (personal communication, September 9, 2015)

As to why the TRC was unsuccessful in reconciling people, a range of responses was given by respondents that relate to the issue of timing and the composition of the Commission. While these failings may have partly curtailed the TRC's capacity to discharge its mandates, the challenge appears deeper, reaching down to basic challenges that are internal to truth and reconciliation commissions and the way they work and attempt to deliver reconciliation. A number of preconditions have been advanced that need to be met if TRCs are to be successful at achieving their goals. Included among these are the following: clear mandates; political support and commitment to implementing recommendations; sufficient resources; and full access (Hayner, 2002; Mani, 2005). As Mani (2005) acknowledges, "It is rare that these preconditions are fully met" in the context of post-conflict realities (p. 517). Equally fundamental are other sets of issues that have yet to fully engage the attention of students of transitional justice. These revolve around participation, site, authorizing agency and legitimacy, and ownership, as explained in Chapter 3.

The point is that although TRCs are required for obvious reasons, and despite the fact that they share a lot in common with relational justice—particularly with regards to truth-telling, responsibility, showing remorse, and forgiveness—these commissions are often far removed from the community or the site where actual reconciliation and reintegration take

place. This limits participation to those with the logistical means to travel to the cities where hearings are conducted to avail themselves—and not necessarily those whose situations really warrant participation. For instance, despite the fact that most people in Gbojay suffered one or another form of injustice during the war, none of the survivors interviewed in that town appeared before the TRC, rendering the Palava Hut inevitable. In other words, the Palava Hut appears critical if war-related divisions and fragmentations in communities are to be overcome, given the limited roles played by TRCs as well as the reintegration process.

Moreover, because they are based on a semi-formal and semi-legalistic process, TRCs—grounded on the logic of restorative justice—derive their authority not so much from affected communities, but from the state, with implications that relate to issues of legitimacy and ownership. As noted by Waldorf (2009b), the TRC “may be culturally inappropriate” (p. 111). In addition, the limitation of time usually imposed on TRCs mean that their work is often ad hoc in nature, not to mention the fact that these commissions are sometimes less amenable to certain issues, such as witchcraft, a practice that is often considered a source of conflict in some local settings. For example, some forms of death or misfortune are traced to witches and wizards in some relational communities (Fahey, 1971). Although witchcraft is not recognized by statutory law, it influences people’s thoughts and actions. As one human rights lawyer in Monrovia pointed out during an interview, to those who believe in its existence and attribute the cause of death to the work of a witch or wizard, “A killer is a killer whether he kills with a gun or by some mysterious means. He’s a killer—he’s feared but they do reconcile under the Palava Hut” (personal communication, September 7, 2015). Such issues cannot be addressed under the TRCs, as they are not recognized by statutory law. Thus, the challenges faced by TRCs in these types of cases lessen the capacity of restorative justice to elicit either the truth and acknowledgement of responsibility or genuine remorse and forgiveness that can foster reconciliation and solidarity among perpetrators and survivors.

These weaknesses suggest the TRC may not be an effective forum for social reintegration—in terms of delivering on the need for justice and reconciliation.

The alternative and broader framework of relational justice, based on the Palava Hut process, appears more capable of overcoming these challenges both in theory and in practice given the broader platform it offers for truth-telling, acknowledgement, remorse, plea for forgiveness, and reconciliation. As Waldorf (2009b) explains, “Ex-combatants may reintegrate more easily if they have a forum where they can tell the truth, apologize to victims and communities, and explain their actions” (p. 109). The ability of the Palava Hut to offer such a forum, as is visible in relational communities, makes it a potentially useful instrument to invest in. The question, however, remains as to whether or not the Palava Hut can provide a forum that contributes to the reintegration of ex-combatants in non-relational communities. This question is discussed later in this chapter.

If truth-telling/honesty, responsibility, admission of guilt, remorse, apology, and plea for forgiveness are vital preconditions for restoring people’s sense of justice and inspiring positive reception towards returning combatants, then it seems obvious why retributive justice will not suffice. By the same token, it does not come as a surprise that the reintegration program implemented by the UNMIL registered negligible outcomes in terms of contributing to the reintegration of ex-combatants in Liberia, while overlooking its integrative and reconciliation aims. Despite the fact that reintegration is a relational matter, the prevailing notion of reintegration prioritizes livelihood skills and employment opportunities for ex-combatants. Although a handful of respondents perceived value in the reintegration process, the impact of the process was overwhelmingly thought to be insignificant. During an interview, Debey Sayndee, the Kofi Annan Institute Director, observed that the reintegration process was “the biggest failure in our whole process. Reintegration never happened here. It

never happened here” (personal communication, September 10, 2015). The Chief of the Belema Community in Monrovia made a similar observation:

To me, it was zero. Very very zero. Nothing UNMIL really achieved out of that process. Nothing. Nothing. What they did? They got to get both parties together. They will just come in the community here, call the community people, ‘Talk!’ What I expect them to do, you call the people, let the people tell you whatever happened. If you are in opposition to me, you wrong me, call me let me face you: ‘This is Mr. Paul. Mr. Paul killed my mother in my presence. Mr Paul, you hear what the man is saying?’ He say ‘Yes.’ ‘What you got to say?’ ‘I was not in my senses as I was doing that.’ But nothing happened like that [during the UNMIL reintegration process].
(personal communication, September 20, 2015)

According to Joseph Guannu, the Director of the Peace Institute at Cuttington University in Liberia, the “UNMIL did not understand the dynamics—the social dynamics. For some, reintegration meant ‘I have fought for the Charles Taylor government; I have fought for Charles Taylor, therefore, I should be compensated, so I’m being brought in to be compensated’” (personal communication, September 22, 2015). A former executive member of the Liberian TRC added,

There is so much you can say about the reintegration process in Liberia, which was actually never done. What was done was demobilization and disarmament to an extent, while reintegration and rehabilitation is zero. That was never done at all. So it left a lot of ex-coms roaming without being properly integrated into society and perhaps rehabilitated. (personal communication, September 4, 2015)

A policy analyst and a civil society activist at the Search for Common Grounds in Liberia, an international non-profit organization, saw the reintegration process as a “mechanical exercise” that gave little attention to community reception and impact:

Overall, it was a very mechanical exercise. It was all about the UN having a checklist about things to do. So we disarmed, we have 519,000 people, we demobilize this amount of people, we have a rehabilitation program, we have a reintegration program. There was little concern about the impact. There was little concern about community reception. We had a peace arrangement, and those who brought the war to this country profited from it. Warlords got shares in government ministries. There was arrangement to put together a general package for ex-coms. And in the face of all of this, communities that were destroyed by ex-combatants had to wait and see . . . The net impact of the DDR was a mechanical exercise in my view. It benefited ex-combatants who saw it as an opportunity. How that interfaced with the community, I think that was the missing link . . . It was more individualistic, it was not community centered. The notion was, ‘Give these people training, give them an opportunity and they will move on.’ That was the assumption. They didn’t factor in the fact that these guys will move on, but they will have to go back to their communities. The community was never considered as a serious player in the reintegration. It has promoted some level of rivalry. It has promoted some level of tension. (personal communication, September 8, 2015)

A civil society activist and a Palava Hut expert held a similar opinion about the reintegration process:

Now my point here is this. No reintegration took place. No reintegration took place. What they call reintegration was buying back guns from people . . . Because when you talking about reintegration really, you are asking the people—in Liberia, we say ‘Let bygones be bygones.’ That’s what they are really saying. So let’s take them at that level. With the moral argument on the side, and the reintegration idea on the side.

They are saying that we will give a soldier who brings in a gun \$20. Now how does that become reintegration? (personal communication, September 9, 2015)

As a result of such reintegration challenges, it has become difficult for some of the ex-combatants to return to their communities, as explained by a human rights lawyer in Monrovia:

There are good number of ex-combatants who never went back to their former communities because of what they did there, but they are in the streets, they are washing cars, they are loading cars, engage in crimes today, they are living in abandoned homes and living at the grave yard. (personal communication, September 7, 2015)

The perceived failings of the reintegration and the TRC processes in Liberia bring into the open critical limitations of these two dominant tools of post-conflict peacebuilding, while concurrently serving as clear evidence and justification for an alternative and broader framework that recognizes and responds to the relational side of conflict, justice, and reintegration. Constructed around people's relationships, a new paradigm of relational justice is proposed as a framework of justice that has relevance not only in the domain of transitional justice, but also in the reintegration of ex-combatants. Relational justice, which is based on the Palava Hut process, demonstrates a unique flexibility in accommodative capacity that enables it to fulfill the basic conditions for restoring justice and reconciling people. The reflections of a Monrovia-based Gbojay indigene sum up fairly accurately the sentiment of most respondents from relational and quasi-relational communities about the Palava Hut process:

The bulk of the people settle disputes through the Palava Hut. For me as an individual, our problems have been settled through our culture and traditions. For example, when I have conflict with my junior brother, he goes to complain to my

uncle, and he will call to know what happened. So that has been what we have been doing. Since childhood time up to the war, I was up country. That is the only medium through which people solve our problems. It [the Palava Hut] has worked significantly for our people. Because back home, when there are conflicts between husband and wife, they don't go to court, they come to my father who was a paramount chief. His first step will be to know what the root cause is. So they give the parties the opportunity to explain. Even the process of explaining sometimes takes away anger. So you explain what is on your mind. You express yourself, then the other party will also express themselves. Then the elders or the chief will be able to say you are very wrong. You didn't treat this person right. And once that person is satisfied and their right is given to them, you can see smiles on their faces. So they feel satisfied. They feel justice has been given them. So they go back to the community with the very person they had the conflict with. You see them living their normal lives. Because the other party will also understand that what he or she might have done was wrong. Accepting responsibility was also very critical in the healing process, so it helped the society. In fact, my father, as a chief, did not receive any cent from anybody in settling disputes. It wholly was on the basis of this Palava Hut tradition. (personal communication, September 20, 2015)

4. Collective/aggregate interest is a signpost for justice: *Justice transcends the individual to include the entire community in relational communities.*

Another significant finding emerging from the analysis is that in relational (and quasi-relational) communities, the reference object of justice is the aggregate community. As such, the aggregate justice interests of the community are placed over and above the interests of the individual "so that," in the words of Joseph Guannu, the Director of the Peace Institute at Cuttington University, "society will not be ruptured . . . [But rather, it will] "sustain

relationships, peace, and understanding in society” (personal communication, September 20, 2015). This implies that group or collective interests provide the context for conceptualizing justice, a notion confirmed by data collected mainly from Gbojay, which is a typical example of a relational community. In that town, members share a common sense of identity based on kinship ties, interests, values, norms, and ethos, with overlapping networks of “social support,” or mutual support, through which people secure their material existence. For example, in an informal conversation, a Monrovia-based Gbojay indigene told me that the cost of his education was paid for by his uncle, who owned a rubber plantation. However, his uncle died when his children were still young. As a result, when he completed school and secured a job, he took on the responsibility of looking after his uncle’s children and paying for their education.

In such contexts, characterized by close interdependence, one begins to understand why people will prefer to settle disputes in ways that restore enduring relational ties (Deng, 2008). The pattern of common identity and social support was not considerably different, though it existed on a lesser degree of density, in the quasi-communities of Clara Town, the Belema Community, and the Kissi Community at the Chicken Soup Factory, all of which are in Monrovia. In these communities, disruptions in relationships arising as an outcome of conflicts and injustices are thought to threaten group cohesion and solidarity due to the interlocking relations that bind people together.

Close and interlocking relationships mean that conflicts in the relationships of specific parties have the tendency to spill over and “suck in” other members of the community (Chachine, 2008; Fahey, 1971). Since each relationship forms a link within the broader chain of relationships that constitute the community, the deleterious effects of trauma in specific relationships are not limited to the specific individuals involved, but rather to the entire community. Such situations in turn affect the mutual support that sustains aspects of the

process of production and reproduction in the community. As a result, conflict and injustice are thought to violate not only the individuals directly involved, but also the entire community (Deng, 2008). Given the fact that the individual forms part of the community of which he or she is a member, the justice of the individual is defined in terms of the justice of the group (Chachine, 2008; Deng, 2008; Mbiti, 1969; Menkiti, 1984). In other words, justice is not so much in the eyes of the individual group member as it is in eyes of the aggregate community. This is because in many African contexts, as Chachine (2008) explains, “‘to be’ is to belong, an individual exists because of others” (p. 39). Mbiti (1969) puts it just as succinctly: “I am, because we are; and since we are therefore I am” (p. 106) (see discussions on the ubuntu standpoint in Chapter 3). With particular regards to the question of justice in Liberia, Joseph Guanuu, the Director of the Peace Institute at Cuttington University in Liberia, explains that justice is “done in the first instance, not in the interests of the individual, but rather the community: How will the community feel? How will the community survive, if it goes this way (personal communication, September 22, 2015).

Kofi Annan Institute Director Debey Sayndee shed further light on the relationship between the individual and the community in the context of the Palava Hut:

The Palava Hut is also managed by a process where at the end of the [day], it is the community that is the victor, and not necessarily the individual. And this is the one little area where, if you look at the concepts of human rights, as we have it in written form, [you] would have some differences. Because sometimes under the Palava Hut concept, and in many African traditions, the right of the community is more valued than the right of the individual, irrespective of how much that individual stands on top of whatever the situation. The right of community is always prominent. And that is because at the end that individual is seen as a member of that community, so if that community wins, he/she has won. And that is what the Palava Hut seeks to uphold . . .

At the end of the day, the value of the Palava Hut is to have opinion leaders who enjoy a level of respectability to hear a matter and give an opinion that is both the value of the community, the culture of the community, but also gives that right that will foster unity within the community after the whole process of this discussion . . . Again, it's all geared at the idea that community must stand strong, the community must prevail. (personal communication, September 10, 2015)

Privileging the rights of the community over the rights of the individual means that what may be perceived as “just” at the individual level may not necessarily be perceived as “just” at the collective level. For example, although participants in Gbojay Town reported having the rights under the laws of Liberia to seek justice through the statutory courts of the land, they were also aware that the form of justice they might obtain by going to court may not necessarily align with the general perception of justice in their community. In relational communities, people seek justice and just relations rather than punishment, reinforcing the point about the diversity in the perception of what does and does not constitute justice. By the same token, what may be perceived as “just” in Western political and philosophical thought may not necessarily apply in the relational context of Gbojay, for example. This suggests the need for contextualized policies and strategies that take cognizance of the particularities of people's realities and cultures.

The marginalization of individual rights under the Palava Hut, however, opens the process to some criticisms, particularly from civil society groups, which fault the local conflict mechanism for being paternalistic and undemocratic. Some respondents reported that until the Palava Hut goes through a significant overhaul, for example, by being democratized and homogenized, it is unlikely that it will have a national impact in terms of contributing to the reintegration of ex-combatants beyond the local community. The Palava Hut, and the Poro system from which it evolved, are patriarchal institutions dominated by men. All key

decisions relating to these systems are made by men, while women and the youth are relegated to the background.

For example, although the Sande institution for women (see Chapter 3) symbolically parallels its male counterpart, the Poro society, it is within the Poro institution that key decisions affecting the lives of people in communities are made, with the primary role of women focusing on good upbringing of girls so they will become good wives and mothers (Bledsoe, 1984; Fahey, 1971; Murphy, 1980). Thus, women and the youth are excluded from serving as members of Palava Hut panels or convening authorities in many relational communities in Liberia. If the Palava Hut is to become a transitional justice measure that is sensitive and responsive, it will be necessary to democratize the process to include the participation of women and the youth, particularly as women and girls bear the brunt of the consequences of armed conflict.

Another weakness of the Palava Hut relates to the lack of recordkeeping. The Palava Hut is based on oral tradition in which previous decisions are transmitted orally, and through which people rely mainly on their memory in recollecting previous accounts of Palava Hut decisions. If the Palava Hut is to become useful as an instrument of reintegration, it cannot rely on the oral tradition any longer, given the huge number of people affected. Additionally, certain practices of the Palava Hut, such as trial by ordeal (see Chapter 3) have been faulted as amounting to human rights violations in communities where such outlawed practices are ongoing (Pajibo, 2008). Thus, the Palava Hut will require some fundamental modifications if it is to function as an effective transitional justice measure in Liberia. This point is discussed further in the concluding chapter.

Also, while the primacy of community interests in relational communities means that the decision of the Palava Hut is binding, it is unclear whether people will comply with Palava Hut determinations in non-relational communities. Undoubtedly, the attempt to

replicate the Palava Hut in non-relational urban communities raises the question as to whether people will comply with the decisions of the Palava Hut once established.

Compliance with Palava Hut decisions in non-relational communities, where they currently lack legitimacy, is one of the major challenges encountered in trying to introduce the process in the parts of Liberia where the Palava Hut process is currently not present. As Jaye & Bloh (2015) note, there is “the possibility that those invited to the Palava Hut could refuse to appear because they do not recognise its authority” (p. 15), let alone comply with its decisions.

5. Justice and peace (and justice and reconciliation) are two sides of the same coin.

Regarding the peace versus justice debate, which pits justice as a competitor of peace, the results of the study show that there was no clear majority in terms of respondents advocating for either peace or justice. While some respondents indicated that “there can be no peace without justice,” others countered this claim, indicating that justice is not possible in the absence of peace—“there can be no justice without peace.” A third category of respondents, however, indicated that peace and justice are linked, implying that these two aims cannot be decoupled. For example, according to an executive member the erstwhile TRC, “Justice and peace are two sides of the same coin. They don’t work in opposite directions” (personal communication, September 4, 2015). Likewise, Joseph Guannu, the Director of the Peace Institute at Cuttington University, stated, “Peace and justice, the two go hand in hand. One cannot go without the other. Where there is peace, one can logically assume that there is justice. And where there is justice, one can logically conclude that there is peace. So the two go hand in hand” (personal communication, September 22, 2015). The idea that peace and justice are not mutually exclusive categories—that they are “two sides of the same coin”—appeared particularly dominant in relational and quasi-relational

communities where the concepts of justice and reconciliation were sometimes used interchangeably.

The results of the study show that the concurrent pursuits of peace and justice—and for that matter, reconciliation—are not likely to be achieved through the formal justice system alone because, as Debey Sayndee, the Director of the Kofi Annan Institute, indicated, “The law is not interested in the relationship between people . . . The law is interested in the fact that the law was enforced” (personal communication, September 10, 2015). On the contrary, the Palava Hut is seen as the most appropriate forum for the pursuit of justice, reconciliation, and peace in Liberia because it has the maintenance of just/sound relationships as its foremost objective.

Second Set of Results: War-related Crimes, the Palava Hut, and Reintegration

As noted earlier, the Palava Hut process has a long history in traditional conflict transformation practices in rural Liberia, and it has evolved as an effective tool for conflict transformation in relational communities. However, its utility for effective reconciliation and reintegration of ex-combatants in non-relational urban communities, such as Monrovia, where the majority of ex-combatants return to, has not been established. This raises the immediate question: How can the Palava Hut process work to address war-related crimes in both relational and non-relational communities in Liberia? This leads to further questions: Given the variations in the conduct of the Palava Hut among Liberia’s various ethnic groupings, how will the Palava Hut apply in interethnic cases? What are the potential impediments in trying to import the process to non-relational communities? The main findings related to these and other issues are discussed in this second section of the current chapter. I present and discuss the main results of the analysis, based on the views of research participants.

1. The Palava Hut has the capacity to address nearly all types of crimes

I commenced this research not knowing whether or not the Palava Hut can handle war-related crime since it had previously not been applied to civil war-related scenarios. This led me to ask the research question: Can the Palava Hut address war-related crimes and facilitate reconciliation and reintegration? The results of the analysis revealed that the justice professionals and conflict experts who were asked this question were unanimous in their response that the Palava Hut process has the capacity and legitimacy, in the eyes of indigenous people, to address virtually all types of crimes if Palava Hut convenors are legally permitted to do so. The state requires all felonious cases involving rape, murder, and armed robbery to be handled solely in statutory courts, implying that it is an offense to deal with such matters under the Palava Hut. The findings of the study, however, showed that felonious cases have historically been addressed under the Palava Hut.

In an informal discussion, a female adult in Gbojay explained that the reason why cases of rape were previously addressed quietly under the Palava Hut was due to the shame and stigma that accompanied such incidents when the identity of the victim was known. This, however, can raise issues of human rights, particularly given the fact that punishment for the crime of rape in some relational communities may be deemed insufficient, for example, when it “include[s] a he-goat, a black rooster, 50 pounds of rice and three gallons of palm oil” (Pajibo, 2008, p. 20). While conceding that it was unlawful under the current legal dispensation to handle felonious crimes involving murder, rape, and armed robbery, some respondents reported that most of the crimes that occurred during the war were crimes that had been addressed at one time or another under the Palava Hut. Debey Sayndee, Director of the Kofi Annan Institute, explained that

[a]ll of the crimes that were committed during the war, and all of the human rights violations that were committed during the war, are issues that happen. It is the extent

and frequency that was different. In each community, there are issues of rape, there are issues of murder, there are issues of land rights, and the Palava Hut has been addressing these issues. The issues we are talking about arising out of the war are rape, murder, arson, and I mean, they are no new issues. We are talking here about the quantity, the extent, the frequency, and so forth. And all that will mean is for the Palava Hut [to] take a longer time dealing with it—[for example], if they have ten issues within a period of one month that they need to discuss, unlike where one of those issues came up maybe twice a year. That is the difference here. But all of the issues in human relations are issues that the Palava Hut has dealt with. (personal communication, September 10, 2015)

Perspectives like this one suggests that there is no dearth in expertise in terms of using the Palava Hut process to reconcile people and reintegrate returning ex-combatants in relational communities. While the Palava Hut has the capacity to address, at least in theory, any issues in human relations, crimes involving murder, rape, and armed robbery, as noted earlier, can by law not be heard or amnestied under the Palava Hut. Indeed, all the Palava Hut convenors interviewed, including tribal governors, acknowledged that the process lacked jurisdiction over serious crimes involving murder and rape. These crimes fall under the ambit of the circuit court and beyond.²⁸ For example, as the Chief of the Belema Community in Monrovia explained,

If somebody rapes your daughter, and you see that person living in that community, you bring that matter to me, the first thing I will tell you is that is not my case. Take the matter to the police. Armed robbery, if you bring that matter to me, I will tell you that is not my case. Let's go to the government. Those are the cases that we can't handle. Like murder case. (personal communication, September 20, 2015)

²⁸ Republic of Liberia, *Revised Rules and Regulations Governing the Hinterland of Liberia*, January 7, 2001.

Similarly, as one of the tribal governors in Monrovia emphasized, “Rape case when you don’t tell us, but when we hear it we call the police. Murder case we can’t handle it” (personal communication, September 7, 2015). In spite of the legal injunction barring Palava Hut convenors from handling felonious crimes, respondents still perceive value in applying the Palava Hut in cases involving extreme war-related crimes in a number of situations. First, as explained previously, regardless of whether or not one was prosecuted for committing extreme atrocities, the perpetrator’s appearance before the Palava Hut was considered crucial. This is because prosecution without Palava Hut appearance/rituals was considered insufficient in the eyes of survivors in the local community, as prosecution does not involve the preconditions for justice specified by respondents. Just as one could not be amnestied by virtue of appearing before the Palava Hut, so is one not likely to be accorded positive reception just because one served a prison term for his/her wartime roles. The preconditions for reconciliation and reintegration must still be fulfilled.

Second, minors who were amnestied regardless of the nature of the crimes they committed still need to go through the Palava Hut in order for successful reconciliation and reintegration to occur. Respondents reported that, despite being amnestied by the state, this special category of offender still needs to go through the process of “cleansing” in order to be fully reintegrated into the community. The process of cleansing, in this context, basically involves the performance of special rituals intended to purify the offender in order to “exorcise evil, restore the integrity of the victim and the perpetrator” (Pajibo, 2008, p. 21). This suggests that ex-combatants who received livelihood and capacity training through the UNMIL reintegration program were still unlikely to receive positive reception until they went through the Palava Hut process, as they might have been involved in acts that may be considered taboo in the community, including murder (Pajibo, 2008).

The above account suggesting that the Palava Hut can address nearly all cases seems significant for another reason. In Liberia, formal legal agencies have limited reach with hardly any presence in the remote interior. As a former executive member of the Liberian TRC explained, “There are areas in the country that are not even governable, the reach of the government is not there.” He further maintained that “there are areas in this country where there has been no police presence, where there has been no law enforcement presence, and people have been genuinely looking into human relations issues that affect them, and the community is working smoothly together.” (personal communication, September 4, 2015)

2. Tribal Governors as Palava Hut Focal Points in Urban Communities.

Another major finding of the research is that the Palava Hut process can be replicated in urban (non-relational) areas of Liberia to facilitate the process of reintegration by engaging the existing tribal governors’ courts situated in the cities. During the course of my field work, I learned of the existence of enclaves within the city of Monrovia that represent the interface between rural and urban Liberia. I labelled these communities—which include the Kissi Community in the Chicken Soup Factory area, Clara Town, and the Belema Community on Bushrod Island—quasi-relational communities, as my initial binary categorizations of the relational (urban) and non-relational (rural) communities could not be sustained in these complex mosaics of urban and rural systems (see Chapter 1). This is because my original categorization of the research site into simple relational and non-relational communities was based on the notion that relational ties in rural communities were dense and tight, while those in urban communities were weak and loose. I was also under the impression that Palava Hut courts existed only in rural communities. Although the degree of social cohesion observable in quasi-relational communities was weaker than that noticeable in Gbojay, for example, it was much stronger than what exists in other part of Monrovia.

Respondents in Gbojay reported having common kinship affiliations and “living like family.” They also reported they were “interrelated,” they “intermarry,” and they “inter-born.” In addition, they reported sharing common values and culture. The people in quasi-relational communities broadly exhibit most of the attributes of the relational community of Gbojay, which are similar to the ideas put forward by Ferdinand Tönnies in his *Gemeinschaft und Gesellschaft* (see Chapter 3). First, they share a sense of common identity, as “Madingos” or “Kissis,” for example, while exhibiting continued patterns of interaction based on shared expectations. They also recognize boundaries that delineate them from other groups, and expect each member of the community to act in certain predictable ways.

Perhaps more fundamentally, these communities, which are presided over by tribal governors in the Kissi Community and Clara Town, and a community chief in the Belema Community, practice the Palava Hut process as their main forum of choice for resolving conflict and pursuing justice. Similar to relational communities, the Palava Hut is seen in the quasi-relational communities as the most effective means of addressing conflicts. The tribal governors in the quasi-relational communities have intimate knowledge of the culture and traditions of the communities from which they hail. According to UNMIL (2011), the tribal governors in Liberia perform three main functions in their prefectures: social (he or she serves as the “point of contact” for tribal people in the quasi-relational communities); political (“the political liaison officer of his people with the local and national authorities”); and mediation/adjudication (mediation and adjudication of disputes among their people) (p. 10). As “country” men or women, the tribal governors understand the culture and the way of life of their people better than most political representatives. In the words of Joseph Guannu, the Director of the Peace Institute at Cuttington University, Liberia, “The tribal governors are selected on the basis of their knowledge and understanding of the cultures from which they came” (personal communication, September 22, 2015).

In order to maintain cohesion and unity within the community, community leaders interviewed reported addressing all conflicts arising in their respective communities, with the exception of rape, murder, and armed robbery, through the Palava Hut, as explained earlier. They were also unanimous in their disapproval of community members resorting to the formal criminal justice system without first consulting them. In the words of the Chief of the Belema Community,

Because the community leader is chosen by the people in the community, it means they have high regard for you and you can preside over them. You tell them before you take any matter to the police or the court—you bring the matter to the community leader. If he fails to settle this matter within the community, then you can take it to the police or to the court . . . Because if anything happens here, I have to inspect first before you go to the police or court. But if I bypass you, if somebody offends me and I don't talk to the chief but just take my matter to the court, people will outcast you. If anything happens to you here, they will not talk for you, because you bypassed the channel. So the first thing you do, you go to the chief. If you bypass the authority of the chief, it means you don't want to live in that community. If anything happens to you, nobody will be responsible. (personal communication, September 20, 2015)

In order to maintain peace and harmony within their communities, tribal governors sometime approach the courts and withdraw cases filed by their people for settlement in their courts, or impress upon the parties to withdraw the cases, as explained by S. Koneh, an anthropologist at the University of Liberia:

When there is a case at the police station or court involving two persons, the tribal governor, while that process is ongoing, will invite us to sit, and based on the outcome, we are challenged to go back and withdraw the matter from the court because it has implications for the tranquillity within the community itself. So people

go there, talk to the lawyers, talk to the judges that this matter here, our community has decided to take it home and they listen to it and the court abide by some of these things because they respect the structure. So the role that these tribal governors play is very important. (personal communication, September 10, 2015)

Perceiving value in the services they discharge, Joseph Guannu, the Director of the Peace Institute at Cuttington University, Liberia, noted, “They [tribal governors] ease tension in the urban areas” (personal communication, September 22, 2015). Among other things, the tribal governors reported convening Palava Hut sessions that created enabling environments for people to address conflicts, which on some occasions involved war-related grievances. The President of the Tribal Governors Association in Monrovia recounted one of such cases, which she personally helped to resolve:

In 1990, during [the war], one girl’s brother went to somebody’s house and shot at the people; the people ran away, they moved from there, they stole their property. And they live opposite house. And every day they make problem [quarrel]. Because of her brother, every day they make problem. Because of that reason, I called her here. I told the girl, ‘Search for your brother and let him come.’ And the brother came. Right in this office the brother came. And I say, ‘During [the war], why did you do that? Now it’s affecting your sister. Every day they are making problem [quarrelling] because they know your sister here.’ Culturally, traditionally, he got down on the floor. The girl [victim] and her Maa and her Paa, they put hands on him, everything is fine, now they are moving normally. (personal communication, September 7, 2015)

The similarities between the relational and quasi-relational communities, and the fact that they are both Palava Hut-practicing communities, mean that the latter can serve as an important forum for pursuing justice through the Palava Hut in urban communities. In other words, the Palava Hut process can be replicated in urban (non-relational) areas of Liberia and

employed to facilitate the process of reintegration by engaging the existing tribal governors' courts situated in the cities. The tribal governors and the forums they provide can serve as a critical starting point for bringing together offenders and survivors in urban areas to interact and overcome war-related differences, facilitating the reintegration of ex-combatants in the process. As a civil society activist and Palava Hut expert from Monrovia explained, the forums provided by the tribal governors and the Palava Hut process as a whole can be made more effective as instruments of reintegration when supported and supplemented by "the presence of people who are knowledgeable about the traumas that were caused, who are knowledgeable about the psychological state of the perpetrators, the politicians [political scientists] who understand the context in which these things happened" (personal communication, September 9, 2015).

In spite of the critical role played by the tribal governors, the data shows that some, those selected by government officials in particular, may be susceptible to political manipulation (Pajibo, 2008). As S. Koneh, an anthropologist at the University of Liberia, maintained,

There might be situations of manipulation, which you cannot rule out because for most of them who are in urban areas, the issue of poverty, the issue of relying on something from government structure, is there. They all have political alliances around; you cannot rule that out. But still they make some impact. (personal communication, September 10, 2015)

Similarly, Debey Sayndee, the Director of the Kofi Annan Institute, University of Liberia, explained,

They [tribal governors] can be the guiding factor. They can be the lighthouse. Because they are still the custodians [of the culture] that we hold so dear, but been grossly overlooked and watered down today. So if we can work now to salvage that,

these are the people you want to work with. Having said that, I must say there are people today who are being appointed tribal governors for political purposes. So there are bad apples getting in this pie. But if people are really called tribal governors, they know what it takes to be a tribal governor. They won't even accept that position if they know they don't merit that position. (personal communication, September 10, 2015)

Joseph Guannu, the Director of the Peace Institute at Cuttington University, Liberia, also observed:

If you have such a people [tribal governors] on the council, Palava Hut setting, the chances are greater that they will achieve success . . . They ease tension, these tribal governors. They ease tension in the urban areas. Because many of them who come from the rural areas are poor and they come to look for their daily bread, and so if it is very rough on them, it increases their level of instability. (personal communication, September 22, 2015)

Although the tribal governors appear susceptible to political influences, they and the courts they preside over can serve as important forums for restoring justice and facilitating the reintegration of ex-combatants in the urban areas of Liberia.

In addition to the tribal governors, the research results show that Palava Hut panels for non-relational urban communities can also be constituted by recruiting Palava Hut panel members from relational communities. In other words, upon the establishment of a new Palava Hut in a non-relational community, Palava Hut elders may be selected from existing relational communities to form panels and convene proceedings.

3. Historical and kinship-based ties can facilitate peaceful reintegration within the Palava Hut process.

The results of this study show that most ethnic groups in Liberia have some historical connections and kinship-based procedures that make for peaceful settlement of interethnic

conflicts under the Palava Hut. One of the major concerns that seems to cast a shadow over the utility of the Palava Hut as a potential instrument of reintegration relates to war-related injustices involving multiple ethnic groups. The absence of harmonized Palava Hut arrangements or procedures—the fact that there is no standard Palava Hut in Liberia—raises the question as to which of the Palava Huts will apply in cases of cross-ethnic conflicts. The findings, however, show that most ethnic groups in Liberia have some historical and kinship-based procedures that govern or guide the transformation of interethnic conflicts. For instance, although the Kissis and Lorma are two separate ethnic groups in Liberia, both groups have a longstanding historical relationship where “the Lorma people became, and will ever remain, the nephews of the Kissi people who refer to their nephews as Kumba-Yuku, meaning the ‘children of Kumba’” (Malakpa, 2012, chap. 6).

This relationship is underpinned by a contractual arrangement under which both groups have specific mutual obligations towards one another. They also have specific processes for transforming conflicts occurring between them in order to ensure that peace and harmony always prevail and that the relationship endures. In an informal discussion with Liberia’s Minister of Agriculture, who also happens to be a Lorma, the Minister told me of an incident in which a Kissi woman was electrocuted by faulty electrical wiring in a shop belonging to a Lorma man. These groups have recognized procedures for settling disputes between uncles and nephews. According to this source, the Kissi relatives of the deceased said, “We cannot take our grandnephew anywhere [police or court]. That was a mistake.” The decision not to report the case to the police for legal action was clearly informed by the importance attached to harmonious and enduring relationships between the two groups. Taking an uncle or a nephew to court is likely to affect the existing ties between the Lorma and the Kissi, who are more than allies. This suggests that a case involving an ex-combatant and a survivor should be more amenable to transformation and reconciliation if these

longstanding traditions are explored and activated where such arrangements exist between the ethnic groups to which they belong. Joseph Guannu, the Director of the Peace Institute at Cuttington University, Liberia, shed further light on these historical relationships:

Historically, Lormas are nephews and Kissis are uncles, so that is the first principle that will be invoked by the sitting judge. He will say, 'Look, this is your uncle, you are not supposed to abuse him. This is your uncle, you are not supposed to collar him in public; therefore, you are wrong.' But the way in which it will be said will be in a reconciliatory way. If it is in a court of law, this thing is fractured and you just go on with Western principles. This will not bring lasting peace. But if I am there. I say, 'Look, even though I am older than him but traditionally, you are the nephew. So please go down and hold the foot or bow down to him.' (personal communication, September 22, 2015)

This viewpoint was corroborated by Debey Sayndee, who explained that

[i]f you meet people who come from what we call here 'old school,' who hold those values, when they meet, they know exactly who should preside and who should be listened to. If the Madingo and a Lorma person meet and they have an issue, the Madingos know that they are an outshoot of the Lorma. A Madingo will never preside over the Lorma. They know that. The Krahn and the Gio, they know they are interlinked. So this country is knitted. It's known that way. The Bandi and the Kissies, the Bandis know that the Kissies are their uncles traditionally. So if there is an issue and those who know and value that culture, when they come, they say 'Uncle,' even if they had never met the person, the person will say 'Uncle.' So they know how to relate. (personal communication, September 10, 2015)

On the contrary, some respondents downplayed the variations of the Palava Hut among various ethnic groups. According to them, there exist not substantial differences. This

claim was corroborated by the 2015 draft report, *Ethnographic Study on the Traditional Palava Hut System of Liberia* (Jaye & Bloh, 2015), which states,

From the comparative analysis of the similarities and differences, it was revealed that the processes guiding the conduct of the Palava Hut system are similar across the various linguistic groups with minor differences. Decisions reached are binding and in rare instances an appeal can be made. (p. 7)

4. Faith and religion seem to matter.

An unexpected finding resulting from the data is that faith or religion in terms of being either a Christian or a Muslim affects some respondents' perceptions of justice. Thus, religion or faith positively impact forgiveness and reconciliation in Liberia. At least 6 of the 40 respondents, representing 15% of the total, reported that they had a religious obligation to forgive those who offend them. Their reasons were conveyed in statements such as the following: "Because I'm in church, I can reconcile with the person and just forget, and only God can answer me"; "It is God that is going to judge you and not me"; "When somebody do something to you, you are not the person who can get your debt. It is God who can pay your debt. So when somebody do something to you, think and give it to God"; "If you don't forgive, it would be hard for God to forgive you"; and "What happened during the wartime was the act of God. So nobody should keep anything in mind after the war has ended, and we all need to leave together".

This group of respondents generally appeared to take solace in their faith. Their accounts suggest that the church or mosque play vital roles in dispute transformation. Thus, in addition to the traditional leaders, the imams, pastors, or reverends are local sources of justice and peace. These religious leaders can therefore play a useful role when brought on board in Liberia's quest for national reconciliation. This notwithstanding, it is the Palava Hut process that was endorsed by an overwhelming majority of respondents. Indeed, it is

significant to note that even those who perceived religion and faith as important in attempts to reconcile with offenders also perceived value in the Palava Hut process. This finding suggests religious leaders, including pastors and imams, can complement the work of the Palava Hut in non-relational communities by offering additional support to parties who share particular religious faith.

Third Set of Results: Theory of Relational Justice

In the previous sections, I presented and interpreted the main findings of this study in terms of respondents' perceptions of justice, how those influence the type of justice preferred, and also how justice perceptions influence the reception accorded to returning ex-combatants. I also explained specific ways in which the Palava Hut can be replicated in non-relational communities. In this third and final section, I present and interpret the core ideas of the emerging theory of relational justice. Drawing on the grounded theory paradigmatic model developed by Strauss and Corbin (1990, p. 99), but with slight modifications, I provide a model of relational justice through which it is possible to capture the relationship between the major categories that converged in the theory and how the theory so developed works to restore justice. Grounded theory has the "discovery of theory from data"—capable of explaining latent behavior patterns or underlying meanings in a substantive area of interest—as its primary objective (Glaser & Strauss 1967, p. 1). The theory of relational justice is largely a theoretical representation of the Palava Hut process. The construction of this theory fulfills the second aim this study sought to pursue.

The theory of relational justice conceptualizes justice from a relational perspective, taking as its point of departure the idea that the relational side of conflict, justice, and ex-combatant reintegration matters despite the fact that ongoing approaches to post-conflict peacebuilding have given insufficient attention to the relationships of parties. Thus, relational justice as a theory of justice constructed around relationships represents a new paradigm of

justice, which differs considerably from the dominant retributive conception of justice on which the criminal justice system is based. It also differs from restorative justice, which forms the normative and conceptual basis for truth and reconciliation commissions.

Core Ideas

Relational justice, as a theory of justice, takes as its point of departure the claim that the relational side of conflict, justice, and ex-combatant reintegration matters despite the fact that ongoing approaches to post-conflict peacebuilding have remained insensitive to the relationship between or among parties. Abstracted from the ideas and lived experiences of research participants, relational justice—as a theory based on the Palava Hut process—posits that remedial actions taken to correct injustices do not deliver justice in the eyes of the majority of people in relational communities if these actions merely exact pain or retribution. Rather, justice is perceived to be obtained when remedial actions succeed in repairing damaged relationships between parties (Chachine, 2008; Deng, 2008; Mbiti, 1969). This happens when remedial resources are channelled towards removing the sources and causes that gave rise to the relational trauma in the first instance, in addition to the “psychic transformation” that changes the attitudes and relationship of the parties (Botes, 2003).

When remedial processes succeed in getting relationships right, they help to overcome divisions and fragmentations both at the interpersonal and the aggregate levels, contributing to micro stability at the level of the community; the more sound the relationships, the more likely justice and peace are to be obtained. And the reverse is true. Recognizing justice and peace as “two sides of the same coin,” relational justice is about the creative transformation of adversarial relationships, which may be given expression in diverse ways. The emphasis on transforming underlying relationships means that relational justice shares close affinity with the conflict transformation school of thought (Botes, 2003; Lederach, 2003, 1995, 2005).

To reemphasize the point, relational justice recognizes sound relationships as foundational to justice and peace, which result when remedial actions succeed in getting relationships right. While punishment may feature as an element, or form part of the process of working to restore justice (relational justice), the objective of retribution in this context “is not to punish in the punitive Western sense, but the achievement of an outcome that both sides accept as a fair basis for resettlement and the restoration of the unity and harmony that have been disrupted” (Deng, 2008, p. 80). Relational justice recognizes retribution per se as inadequate, not only because of its insensitivity to the relational needs of parties, but also because it generates or exacerbates divisions and fragmentations in communities due to the zero-sum or adversarial logic in which it has its roots (see Chapter 3). Thus, whereas relational justice perceives injustice as a relational problem requiring relational responses, the formal system and the justice of retribution give insufficient attention to the relationships of parties or, more broadly, the relational aspects of conflict, justice, and peacebuilding. Put differently, retributive structures ignore the relational dimension of conflict, justice, and reintegration. This lack of sensitivity to relationships exacerbates damaged relationships and enfeebles the ties of solidarity and cohesion that bind people together in relational communities.

Aside from the psychological imperative, the centrality of “relationships” in relational justice, or the emphasis on rebuilding and sustaining sound relationships, appears to be rooted in a tightly held socio-cultural assumption that acrimonious relationships damage the bonds of solidarity that bind people together. In relational communities, the basis of group cohesion and solidarity is to be found not only in shared norms and values or common convictions/goals, but also in kinship ties or familial affinities. Such affinities mostly consist of a chain of several extended families, implying that interpersonal conflicts do not only undermine the relationships of those directly involved. Rather, the interlocking chain of

connections means that relational disruptions are also quickly reproduced, or at least emit ripples that engender deleterious effects for the collective or aggregate-level relationships (Chachine, 2008). This in turn may undermine the overlapping networks of “social support” (mutual support), through which people secure their material existence. Hence, disruptions in relationships arising as an outcome of conflict or injustice threaten group viability and survival.

As a result, crime or injustice is thought to violate not only the individual victim involved, but also the relationships the parties have in common, which in turn represent a link in the aggregate relationship involving the entire community (Mbiti, 1969). In other words, crime or injustice violates both the victim and the entire community. And since the individual is part of the aggregate community, there appears to be a logical basis for prioritizing the justice interests of the community over and above the interests of the individual. In the words of Debey Sayndee, the logic seems to be that “at the end, that individual is seen as a member of that community. So if that community wins, he/she has won” (personal communication, September 10, 2015). It is in this sense that reconciliation is perceived as “a cardinal principle of the African settlement of disputes” (Deng, 2008, p. 80).

As such, the transformation of relational traumas is a must, for obvious reasons. The relational imperative necessitates accommodative mechanisms capable of delivering *positive-sum* and inclusive outcomes that encourage the parties to dialogue, reconcile, and not merely coexist, but solidarize. Ultimately, then, relational justice rests on and reflects a positive-sum orientation of justice—unlike retributive justice or the criminal justice system, which are rooted in a zero-sum logic of justice (see Chapter 3). To be seen as adequate, therefore, remedial actions must transcend the binary win-lose outcome or the excludability of formal legal-based adjudication to produce mutually rewarding outcomes that rely on inclusivity and greater participation, necessary for restoring fractured or broken relations. The positive-sum

outcomes associated with relational justice appear to foster reconciliation and closure/healing, with reconciliation understood as “the process of healing the traumas of both victims and perpetrators after violence, providing closure to the bad relations (Galtung, 2001, p. 3). This in turn inspires the positive reception of offenders by the community, while facilitating their reinstatement as useful members of the community.

The centrality of just/sound relations in the emerging theoretical rendering means that it is not easy to fit relational justice under the four major prevailing conceptions of justice—retributive, distributive, procedural, and restorative justice—without overstretching these extant perspectives (see Chapter 3). There are, however, some points of convergence between relational justice and the other conceptions of justice. For example, relational justice embodies some elements of retribution. Unlike retributive justice, however, punishment in relational justice is thought of as part of the process of working to achieve (relational) justice; it is neither the desired end state nor the most important attribute. Also, even though restorative justice and relational justice have important features in common, they differ in significant respects (see Table 3.1 for the similarities and differences between relational justice and other conceptions of justice). These differences and similarities are also visible in the building blocks of relational justice as captured in Figure 6.1 below.

Model of Relational Justice

Figure 6.1 represents a graphic model of the theory of relational justice, showing each of the otherwise disparate major categories that combined to form the theory: *injustice*, *adversarial relationships*, *the Palava Hut process*, *relational context*, and *relational justice*. The model also shows the paradigmatic categories with which the major categories are associated.

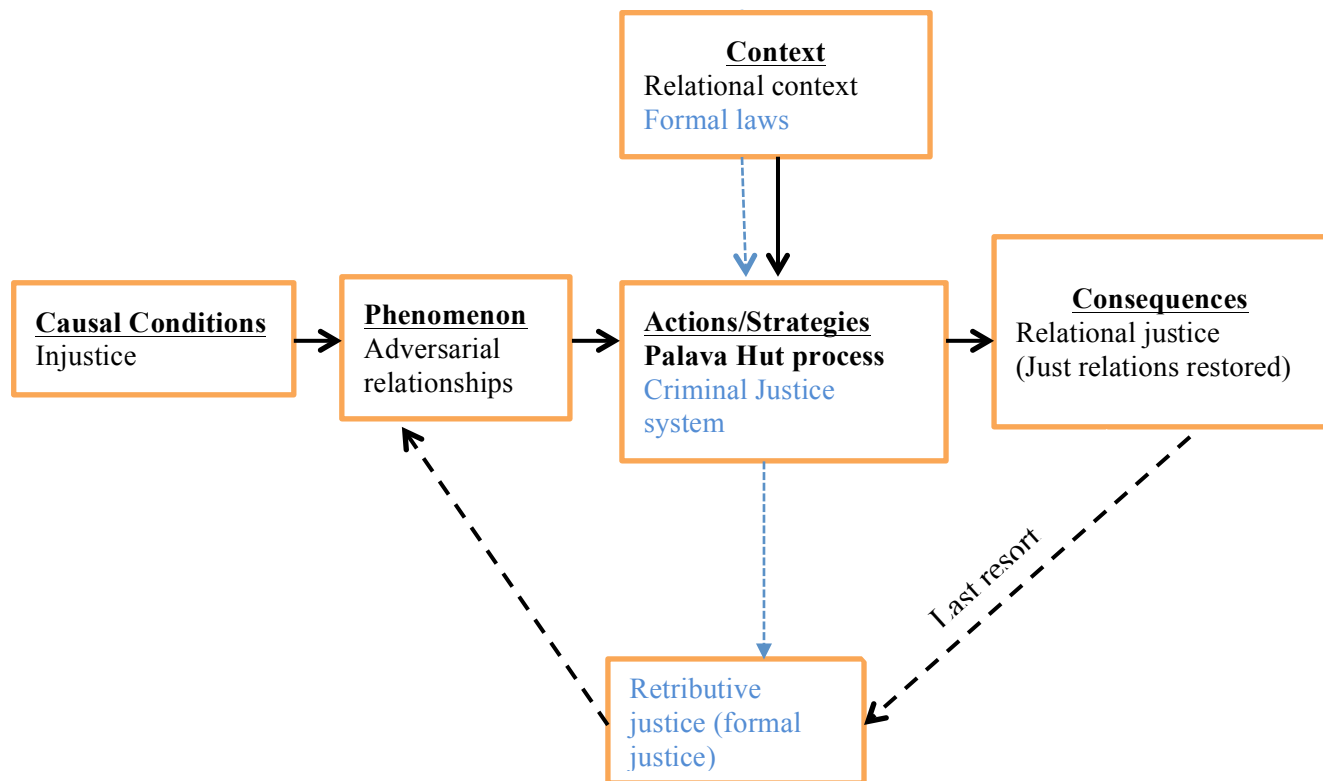


Figure 6.1. Model of Relational Justice. Adapted from *Basics of Qualitative Research: Grounded Theory Procedures and Techniques*, by A. Strauss and J. Corbin, 1990, pp. 96-97.

Table 6.1

Paradigmatic and Relational Justice Categories

<i>Paradigmatic Categories</i>	<i>Relational Justice Categories</i>
Causal conditions	Injustice
Phenomenon	Adversarial relationships
Action/interactional strategies	Palava Hut process (local resources/processes)
Context	Relational context

Note: Adapted from *Basics of Qualitative Research: Grounded Theory Procedures and Techniques*, by A. Strauss and J. Corbin, 1990, pp. 96-97.

As the relational justice model in Table 6.1 depicts, relational justice results when peoples' experiences or perceptions of injustice (causal conditions), which give rise to adversarial relationships (Phenomenon), are addressed using local resources/Palava Hut process (action/strategy) in ways that reconcile the parties—through facilitating, truth-telling, acknowledgement of responsibility, remorse, and forgiveness—and lead to the restoration of just relationships/relational justice (consequence). The actions/strategies taken to address the

phenomenon (or damaged relations) are influenced by the setting (context) in which the actions are taken. These relationships are indicated by the solid black arrows in Figure 6.1.

In rare instances people in relational communities resort to the criminal justice system in their quest for justice, as indicated by the blue arrows in Figure 6.1. Thus, even though the Palava Hut represents the main forum of choice for justice for people in relational communities, legal justice is sought if the case involved is felonious, and also when the Palava Hut fails to deliver justice for the victim, hence the two context variables (relational context and formal laws/formal-legal environment). The formal justice system serves as the last resort for justice when people are dissatisfied with Palava Hut resolutions, as shown by the broken black arrow connecting “Consequences” to the formal justice system. Relational communities are largely self-regulating communities, as the state has limited reach in many of these communities. Nonetheless, the state still exercises some influence over the administration of justice. For example, Liberians are by law required to seek redress for felonies relating to rape, murder, or armed robbery through the statutory courts of law, implying that Palava Hut convenors cannot preside over such crimes. The broken blue arrows connecting the “Context” (formal laws) to “Actions/Strategies” (criminal justice system), and the criminal justice system to “Retributive justice,” depict this state of affairs. The arrows are broken to distinguish the connections they depict from the main causal linkages indicated by the solid arrows.

As noted earlier, retributive justice is by nature adversarial. This implies that outcomes arrived at through the criminal justice system can exacerbate and further complicate already strained relationships, as shown by the black broken arrow connecting “Retributive justice” back to the “Phenomenon” (adversarial relationships), based on the Paradigmatic Model advanced by Strauss and Corbin (1990). The situations represented by the blue and black broken arrows are, however, exceptions to the rule, as the vast majority of

cases occurring in relational communities are successfully addressed using the Palava Hut process. Importantly, relational justice remains the dominant form of justice in relational or Palava Hut-practicing communities.

On the whole this relational justice paradigm provides a broader and more comprehensive framework that responds to the concurrent needs for justice, reconciliation, and peace. Relational justice delivers justice perceived in terms of just relations rather than retribution.

Summary

In this chapter, I presented and interpreted the results of the analysis conducted in Chapter 5. The chapter discussed five major categories, which were integrated to form a relational model of justice. The chapter also presented and interpreted significant findings that reflected respondents' conceptions of justice and what respondents considered critical in working to restore justice. In addition, I discussed how the Palava Hut works to restore justice in relational communities, as well as the potential ways in which it can be replicated in non-relational communities and more generally adapted as a transitional justice measure to facilitate the reintegration of ex-combatants in Liberia. The findings, which were divided into three major sections, reflect policy, practice, and theory. Among other things, the chapter discussed four preconditions for transforming people's sense of injustice to one of justice (truth-telling/honesty, acknowledgement of responsibility, remorse, and forgiveness).

Furthermore, I presented and discussed the tribal governors in Liberia's urban communities as nuclei around which the national Palava Hut process can be established in non-relational communities. That is to say, Palava Hut forums can be established in non-relational communities by involving tribal governors as Palava Hut convening authorities. Finally, the chapter discussed the relational justice theory within a broader framework of

transitional justice that is able to accommodate the concurrent need for justice and peace after civil war and facilitate the reintegration of ex-combatants.

Chapter 7

CONCLUSION AND RECOMMENDATIONS

“The question . . . can never be whether to pursue justice and accountability, but rather when and how.” (United Nations, 2004, para. 21)

Introduction

Most contemporary civil wars occur in the context of eroded state capacity, marked by the absence of effective formal institutions. At the same time, these wars occur in relational contexts where relationships are important. While institutions and relationships matter, ongoing approaches to peacebuilding give insufficient attention to the relational dimensions of conflict and peacebuilding. Informed by the notion that weak or deflated state capacity has been and continues to be a major source of the difficulties encountered in many developing countries (Fukuyama, 2004b), but also guided by the view that “weak and failing states have arguably become the single most important problem for international order” in the post 9/11 international system (Fukuyama, 2004a, p. 92), prevailing approaches to peacebuilding have tended to prioritize the strengthening of state institutions in ways that enable the state to effectively exercise its monopoly over the legitimate use of violence and maintain law and order. As a result, institutional reforms, including the reform of the criminal justice system and security sector reform (SSR), continue to occupy the center stage of most peacebuilding processes.

Institutional reforms after civil wars are required for obvious reasons. Yet, the establishment of new state institutions and the strengthening of prior existing ones respond to only an aspect of the challenges faced by people in post-conflict societies. In fact, the privileging of institutions over relationships, law and order over justice and reconciliation, and security over basic rights (including the right to justice) sometime yields unintended consequences that complicate the restoration of sustainable peace. This is illustrated by the

security logic that underpins ongoing approaches to reintegration and the sense of renewed victimization and resentment, which these approaches create within communities. Thus, the critical need for justice and reconciliation can no longer be ignored. Nor is the seeming dilemma over justice and peace a sound justification for neglecting the justice and relational imperatives of peacebuilding.

I designed this study with two major aims in mind (see Chapter 1): First, to build a theory that explains how the Palava Hut process works to address injustice and restore broken relationships, and also how the dual demands for justice and peace/justice and reconciliation can be fulfilled concurrently in the aftermath of conflict; and second, to explore ways in which the Palava Hut process can contribute to the reintegration of ex-combatants in both relational and non-relational communities in Liberia. Achieving these aims, however, required prior understanding of how (war) survivors' experiences with and perceptions of justice/injustice influence the type of reception they accord returning ex-combatants in Liberia, and also how the Palava Hut process works to address disputes/conflict and restore justice/broken relations in relational communities. Drawing on the Palava Hut process and the theory of conflict transformation, and using grounded theory, this study has developed a relational theory of justice, which accommodates the concurrent needs of justice and peace, and explains how the Palava Hut works to works to address injustices and restore justice in relational (and quasi-relational) communities. The study proposes a more comprehensive and sustainable approach to justice, reconciliation, and peace through a focus on relational justice.

The results suggest that people's perceptions of justice influence the reception they accord ex-combatants, and that, with the exception of felonious cases, the Palava Hut can address war-related crimes in ways that support effective reintegration, particularly if modifications to the Palava Hut process are considered in ways that allow it to be established in non-relational communities. The study, which is about theory and policy, was intended to

both broaden theoretical understanding while enhancing policy application around the reintegration of ex-combatants, as well as develop a model that can improve on the effectiveness of commonly used approaches to traditional transitional justice such as TRCs.

The main purpose of this chapter is to reflect on the key findings of the research and (based on the results) to suggest a number of key policy-relevant recommendations for reintegration and post-war peacebuilding. I also discuss the limitations of the study and present a number of pertinent questions for future research. I begin with a brief discussion on my motivation for developing a theory of relational justice and the grounded theory approach that guided its construction.

Why the Theory of Relational Justice?

Waldorf (2009b), as noted earlier, observes that “ex-combatants may reintegrate more easily if they have a forum where they can tell the truth, apologize to victims and communities, and explain their actions” (p. 24). The current approaches to reintegration do not provide such forums. In fact, they ignore the integrative and reconciliation aims of reintegration altogether, emphasizing mainly the economic dimension of the process. While economic reintegration may be useful, more is required to overcome the divisions between ex-combatants and receiving communities. Prioritizing ex-combatant income and employment at the expense of the need for restoring justice and addressing deep-seated cleavages within society can undermine the process of building community resilience against conflict, particularly when reintegration packages result in a renewed sense of victimization and resentment. Thus, the recommendation of the Palava Hut process by the Liberian TRC and its subsequent adoption by the government was useful in many significant respects.

The Palava Hut has evolved as a justice and reconciliation mechanism that provides a critical platform for truth-telling, acknowledgement, apology, plea for forgiveness, reconciliation, and the restoration of just relations. The process offers a rare opportunity to

ex-combatants (particularly those recommended to appear before the national Palava Hut when established) to reconcile with those they wronged during the war so they can effectively reintegrate into civil society. Second, the Palava Hut can serve as a critical source of support for those still living with pain to heal their wounds and come to closure as it provides a critical platform that brings offenders and survivors together to talk and reconcile their differences in terms of the preconditions for reconciliation discussed above. The Palava Hut is also an important platform for ex-combatants who are seeking the opportunity to meet up with those who were the target of their atrocities so they can apologize, plead for forgiveness, and firmly put the past behind them.

While the conflict transformation potential of the Palava Hut has been established in relational communities, not much is known in terms of how the process can transform conflicts and restore justice in non-relational communities, where the majority of the ex-combatants live. Although the call for the national Palava Hut forums was welcomed by the vast majority of Liberians (Jaye & Bloh, 2015), and although by the time of data collection (September 2015) it had been three years since Liberian President Ellen Johnson Sirleaf officially launched the national Palava Hut, this process had yet to be implemented as part of ongoing peacebuilding processes in Liberia.

More fundamentally, there is currently a dearth of empirical studies that explain how the Palava Hut process can function as a transitional justice measure and an instrument of ex-combatant reintegration, at least in the context of post-war Liberia. In fact, the question as to how the post-conflict demands for justice and peace can be accomplished concurrently remains unanswered. Although the so-called justice versus peace dilemma has been discussed extensively at various junctures, the dilemma persists.

My aim in constructing a theory of relational justice was inspired, therefore, by the existing gap in the scholarly literature on peacebuilding, and for that matter, transitional

justice and ex-combatant reintegration, which manifests in the dilemma of how to address wartime atrocities/injustices following civil war termination. This mission has been accomplished to a very large extent. The development of the theory of relational justice, which, among other things, demonstrates that peace and justice/justice and reconciliation “are two sides of the same coin,” complements existing work on how the seeming dichotomy between justice and peace can be bridged. However, understanding how peace and justice can be achieved concurrently is more than an academic exercise; it also responds directly to a number of policy-relevant questions as discussed later in this chapter.

Grounded Theory: Method and Product

A thorough review of the literature led me to the conclusion that no empirical or theoretical study currently exists that explains how the Palava Hut process can work to facilitate the reintegration of ex-combatants. This research was, therefore, intended and conducted mainly as an exploratory study of the Palava Hut process and the potential contribution it can make to the reintegration of ex-combatants. As a result, the study was inductively driven, with my analytic objectives “framed as research questions (as opposed to hypothesis)” (MacQueen & Namey, 2012 p. 280). Grounded theory is one of the most suitable approaches for conducting exploratory research “when a theory is not available to explain a process” (Creswell, 2013, p. 66). This approach has the “discovery of theory from data”—capable of explaining latent behavior patterns or underlying meanings in a substantive area of interest— as its primary objective (Glaser & Strauss 1967, p. 1). I therefore used grounded theory to guide the key stages of the research process that included data collection, data analysis, and the construction of the theory of relational justice.

Results Summary and Policy Implications

Justice is done when broken relations are restored.

- The ultimate aim of justice is to maintain and restore just relations/relational justice.

Although a number of respondents, particularly those in non-relational communities, thought of justice in terms of the criminal prosecution of offenders, the overwhelming majority of them perceived justice as the restoration of broken relationships; justice is done when acrimonious relationships between people are resolved and harmony is restored. In relational communities, remedial actions taken to correct injustices do not deliver justice if they merely exact pain or retribution; justice is obtained when remedial actions succeed in repairing damaged relationships between parties. According to the findings, parties address injustices in their relationships when they are brought together under the Palava Hut, where the truth is told, responsibility for wrong doing is acknowledged, genuine remorse is shown, and forgiveness is given in a way that results in reconciliation.

This finding has a number of policy implications: first, those recommended for criminal prosecution must also be given the opportunity to go through the Palava Hut process, although appearing before the Palava Hut may not necessarily absolve them of criminal prosecution. This is important for addressing the animosity and mistrust spawned by years of conflict, and for healing people's wounds and bringing closure. Moreover, as discussed in Chapter 2, the killings, torture, and forced displacements that characterized the civil war were main outcomes or impacts of the conflict; the roots of the conflict go deeper—to the very nature of the Liberian state, the nature of the relationships between the state and its society, and the deep-seated intergroup cleavages between Americo-Liberians and indigenous Liberians. While the Palava Hut cannot address all these challenges, it can serve as an important first step for building an inclusive nationalism. This can happen when the Palava Hut process is adapted and replicated in the parts of Liberia where divisions in communities need to be addressed and put firmly in the past, but where the Palava Hut process is currently not practiced. The emphasis the Palava Hut places on sound relationships makes it a particularly useful mechanism for addressing the deep-seated cleavages in Liberian

society as well as the injustices and divisions that were created or exacerbated during the war (see Chapter 3). If established, the national Palava Hut can potentially broaden the space for participation in the justice process and expand access to justice delivery, particularly if the scope of the Palava Hut is expanded to include issues of war-related atrocities or injustices by institutionalizing the process as an alternative avenue for justice, both in relational and non-relational communities. The immediate question that demands answers is this: How can the national Palava Hut process be structured to serve these purposes? Answers to this question are discussed later in this chapter.

Second, those whose actions were influenced by structural deficiencies, including child soldiers and even the adults who were coerced to act, and who were therefore amnestied by the TRC, still need to go through the Palava Hut process in order to transform their current identities or images (in the eyes of the community) as people who perpetrated mayhem. As noted in Chapter 1, a marked feature of contemporary civil war has been the blurring of the line between war and crime perpetrated by criminal networks and private individuals (Kaldor, 2007; Snow, 1996). During the civil war in Liberia, as a Monrovia-based civil society activist explained, some people were “killed because they had a television set that somebody wanted” (personal communication, September 18, 2015). The victimization of civilians, particularly the targeting of the members of one’s own community, either as a criminal strategy or as a strategy for settling old scores, made the civil war more complex than a clear-cut ethnic conflict.

Addressing the divisions that were created in communities, as a result, demands more than the testimonies that were rendered by perpetrators, alleged perpetrators, and victims during the TRC. What is really required is a forum that allows the four preconditions for justice and reconciliation specified above (truth-telling/honesty, acknowledgement, remorse, and plea for forgiveness) to be met. These preconditions were clearly not met during the TRC

process. Nor were they considered at all during the reintegration phase of the Liberian DDR process. One can therefore not overemphasize the importance of the proposed national Palava Hut process, particularly when one takes into account the finding that ex-combatants are not likely to be accorded positive reception until the psychological barriers separating them and survivors have been removed. Addressing the psychological barriers to reconciliation involves fulfilling the preconditions for justice and reconciliation highlighted below.

Preconditions for Justice/Reconciliation: Truth-telling, Responsibility, Remorse and Forgiveness

- The overwhelming majority of respondents associate justice with offenders telling the truth/being honest, acknowledging responsibility/admitting guilt, showing remorse, and pleading for forgiveness. The Palava Hut works to resolve conflict and restore justice by ensuring that these preconditions are met.

Just telling the truth, as is practiced in traditional TRCs, is inadequate. Truth-telling has to be accompanied by acknowledgement, remorse, and a plea for forgiveness. The demand for more than just the truth partly explains the reason why the TRC process often falls short of delivering the goal of reconciliation. Moreover, reconciliation is not an aim of statutory justice. Given the value attached to sound relationships by respondents, particularly in relational and quasi-relational communities, it is obvious that people's quest for justice will require more than a functional statutory justice system. As explained earlier, for the majority of people in the relational communities of Liberia, the informal justice mechanisms are mainstream and not alternative dispute resolution mechanisms. In fact, it is the statutory justice system that appears as the alternative.

Ex-combatants who went through the UNMIL reintegration process are not likely to receive positive reception.

The findings show that ex-combatants who received livelihood and capacity training through the UNMIL reintegration program remained unlikely to receive positive reception

until they went through the Palava Hut process. This is a result of the fact that the ex-combatants had yet to meet the minimum threshold considered as critical by survivors for reconciliation, and, by implication, reintegration. As noted earlier, the current approach to reintegration is driven by a threat logic that portrays ex-combatant unemployment as a source of threat to security, leading to the prioritization of economic reintegration. Although ex-combatants may acquire the capacity for legitimate income and employment after completing reintegration-related training or education, that in itself is not likely to erase the negative image people have of them as people who perpetrated mayhem. In other words, one's acquisition of legitimate income and livelihood skills is not enough to change people's justice perceptions about him/her. The reflections of a child protection officer in Monrovia fairly accurately sum up this point:

What the NCDDRR Commission did was that, reintegration means sending people to schools, providing them with skills and education that will equip them to become better people in society. In that way, society will forget about the wrong they have done. But by a man being fully educated, even if you gain a Ph.D., the people still remember that he has done some very deadly things to the community. That [education] does not excuse him, it does not include him, and it does not give him community acceptance that is needed to live with the people in harmonious way. This is only when you go back to the community, go as a clean person. Yes, you've got a Ph.D., I am an old fighter, but I have come to say 'sorry.' They will say 'Yes, the community has accepted you back,' meaning we have forgiven you. You can come and live again as a person and then they perform a ceremony to accept you back. (personal communication, September 21, 2015)

To reintegrate, ex-combatants need to transform their identity not only in the economic sense, but also socially, in terms of transforming their relationships with those they

hurt if they are to gain acceptance. For example, by going through the Palava Hut process and the purification rituals that may accompany it, an ex-combat who committed atrocities and spilled blood during the war may succeed in transforming the negative images that people may have of him/her as a “killer” to one of a regular civilian member of society. Even where no such rituals are performed as part of the Palava Hut process, the very fact that the preconditions for justice and reconciliation are fulfilled can go a long way to enhance effective reintegration as the relational distance between ex-combatants and survivors is bridged.

Collective/Aggregate Interests as Signposts for Justice

- Justice transcends the individual to include the entire community in relational and quasi-relational communities.

The findings show that in relational (and quasi-relational) communities, the reference object of justice is the aggregate community. As such, the aggregate justice interests of the community are placed over and above the interests of the individual. The interests of the individual are defined in terms of the interests of the community. Within this context, the decision of the Palava Hut is binding for all parties. This raises a fundamental question in trying to replicate the Palava Hut in non-relational urban communities. It raises the question as to whether people in non-relational communities will comply with the determinations of the Palava Hut when established and how compliance may be enforced. Compliance with Palava Hut decisions in non-relational communities, where they currently lack legitimacy, is one of the major challenges to be encountered in trying to introduce the Palava Hut in parts of Liberia where it is currently not present.

Justice and peace are two sides of the same coin.

The Palava Hut, or the relational approach to justice, makes no distinction between peace and justice or justice and reconciliation. Both sets of imperatives are seen as two sides

of the same coin. By implication, successful Palava Hut processes that deliver justice should logically result in reconciliation and peace, and vice versa. In other words, focusing on repairing broken relationships can cater to the demand for justice and reconciliation in Liberia (at least for people in relational communities).

The Palava Hut has the capacity to address nearly all types of crimes.

The Palava Hut has worked to address all issues of human relations in the past, at least in relational communities; hence it may also be capable of handling war-related crimes. The difference between war-related crimes and the type of crimes traditionally handled under the Palava Hut lies mainly in quantitative, rather than qualitative terms. In other words, the volume of cases that have to be addressed under the national Palava Hut process are far greater than would have been the case in normal times. However, the specific issues involved are issues that can be addressed under the Palava Hut, save for those involving felonious crimes that are by law supposed to be heard in statutory courts. Thus, in relational communities, there is no dearth of expertise in using the Palava Hut to facilitate the process of reintegration. This also suggests that the Palava Hut should be able to address war-related crimes in non-relational communities if a competent panel that understands the workings of the Palava Hut process and enjoys the respectability of the people can be assembled. Therefore, the main challenge to be encountered lies more in terms of constituting Palava Hut convenors in non-relational communities rather than the capacity of Palava Hut per se to resolve war-related violations.

Tribal Governors as Palava Hut Focal Points in Urban Communities

The Palava Hut process can be replicated in urban (non-relational) areas of Liberia and employed to facilitate the process of reintegration by engaging the existing tribal governors' courts situated in the cities. The tribal governors in the quasi-relational communities in Monrovia and other parts of Liberia already provide the platform for convening Palava Hut proceedings. The tribal governors are recognized by Liberian Law and they have specific responsibilities under the law that include the mediation of disputes among their people (UNMIL, 2011). They can therefore serve as focal points in both the establishment and running of the Palava Hut in non-relational communities. It is undoubtedly important that the tribal governors are involved in all the critical stages of the national Palava Hut, from the design through the implementation of the process. Their services can be complemented by the expertise of psychologists, sociologists, or anthropologists serving as facilitators. This, however, demands a tribal governors system that is free of political manipulation (see Chapter 6). Their existing tribal courts can be used as forums for addressing war-related issues involving ex-combatants. This will require the construction of physical Palava Hut structures for the tribal governors who currently lack such buildings or offices.

Historical and Kinship-based Ties

Most ethnic groups in Liberia have some historical connections and kinship-based procedures that make for peaceful settlements of interethnic conflicts under the Palava Hut. The long period of conflict and the corresponding movement of people, or shifting residence, mean that this conflict transformation process, which also forms part of the Palava Hut process, is currently underutilized. The process can be explored by involving the local justice professionals who have the knowledge and who understand how it operates among the various ethnic communities, and it can be incorporated into the national Palava Hut. This will

make it possible to address cases involving ex-combatants and survivors hailing from different ethnic communities, or cross-ethnic conflicts.

Recruit Palava Hut convenors from relational communities and deploy them in non-relational communities.

Research results show that Palava Hut panels for non-relational urban communities can be constituted by recruiting Palava Hut panel members from relational communities. In other words, upon the establishment of a new Palava Hut in a non-relational community, Palava Hut elders may be selected from existing relational communities to form panels and convene proceedings. This may work when backed by massive education and sensitization of the public to explain the roles and functions of the Palava Huts and their convening authorities to those who may not be familiar with them. In this way, ex-combatants in every part of the country can be brought together with survivors to address their differences and reconcile.

The variations among Palava Huts are procedural rather than substantive.

The results of the study show that the variations among the various Palava Huts, as practiced by different ethnic communities across Liberia, are more of procedural issues than substantive ones. One of the concerns raised about the use of the Palava Hut in addressing cross-ethnic disputes, or disputes involving parties from different ethnic groups, was which Palava Hut should apply in the event that each of the parties involved has their own unique Palava Hut processes. Differences in Palava Huts may raise the question as to which Palava Hut process applies in a given circumstance. The results show, however, that the differences are not considerable enough to impede the transformation of such disputes.

Weaknesses/Challenges

In spite of the potential of the Palava Hut to serve as a transitional justice measure and an instrument of ex-combatant reintegration, the process has a number of limitations that can potentially undermine its effectiveness if not addressed. These challenges are discussed below.

The Issue of Patriarchy: As explained earlier, the Palava Hut, and the Poro institution in which it has its roots, are male-dominated institutions where the participation of women and the youth is heavily curtailed. The Palava Hut process traditionally excludes women and the youth in many communities. If the concerns of women and the youth are to be addressed adequately under the Palava Hut, then the process will have to be modified to involve the participation of women and the youth in all key decision process. Women and the youth should therefore be included on the panels for the yet-to-be-established national Palava Hut. They should be given the relevant training that will enable them perform their roles effectively, as they have traditionally been kept out of the process.

Lack of Recordkeeping: The Palava Hut is traditionally conducted without recordkeeping, as it is based on oral tradition where previous decisions are transmitted orally. Although the process may function effectively in relational communities with lesser cases to address at any given time, the national Palava Hut cannot function in the same manner given the volume of cases that need to be addressed. More importantly, keeping records of proceedings and outcomes will ensure transparency and fair treatment. Recordkeeping clerks should therefore be attached to every new Palava Hut forum established.

Risk of Non-compliance: In relational communities, Palava Hut decisions are often final and not subject to appeal. Parties usually respect the decisions of the Palava Hut panel members, as they perceive them as legitimate. However, the collectivist values or culture, and the respect for traditional institutions such as the Poro, may not apply in non-relational

communities. As a result, there is the potential that parties may not comply with Palava Hut decisions. As a way of addressing this challenge, there will be the need for public education and sensitization campaigns that inform people of the essence of the process. Such campaigns can involve the use of drama and cinema, as well as social media. It will also be vital to emphasize the reconciliatory essence of the process in order to make it an attractive option for justice in non-relational communities. Ultimately, when parties fail to comply with Palava Hut decisions, it should be possible for complainants to go to court as a last option, as is the case in relational communities.

Lack of political/official commitment on the part of the government of Liberia: Another challenge that was reported by respondents relates to the lack of official commitment on the part of Liberia's political elites. Although Liberian President Ellen Sirleaf welcomed the idea of the establishment of the national Palava Hut, the view is held by some respondents that she is not committed to the process. In fact, the delayed implementation of the process has been attributed to her lack of interest in the process, as she herself may have to appear before the Palava Hut when established for her support of Charles Taylor during the war. Pressure from civil society groups may be useful in eliciting a more positive attitude from the government. In addition to the issue of official commitment, the national Palava Hut needs to be given the needed legal backing that clearly spells out people's obligations under the process, be they government officials, ex-combatants, or Palava Hut convenors in order to elicit the needed cooperation.

Policy Recommendations

One of the central questions that this study sought to find answers to was how the national Palava Hut can be used to facilitate the reintegration of ex-combatants in non-relational urban communities. The study also sought to understand how the process can be used to address war-related atrocities. The results show that the Palava Hut can serve as a

transitional justice measure that facilitates the reintegration of ex-combatants while fostering national reconciliation. The process provides critical space that enables vital preconditions for justice and reconciliation (truth-telling/honesty, acknowledgement, remorse, and plea for forgiveness) to be met, enabling parties to put their divisions firmly in the past. The emphasis on sound relationships, which are at the heart of the Palava Hut process, makes it a particularly useful mechanism for addressing the deep-seated cleavages in Liberian society as well as the injustices and divisions that were created or exacerbated during the war. Below, a number of policy-relevant recommendations are suggested in terms of how the national Palava Hut can be structured to enhance the restoration of justice, the promotion of reconciliation, the reintegration of ex-combatant reintegration, and the overall peacebuilding process in Liberia.

Make Tribal Governors Focal Points of the Palava Hut in Non-relational Communities

As one of the ways to overcome the impediments to the establishment of the Palava Hut in non-relational communities, this study recommends that the tribal governors in urban communities should be involved and made the nuclei of the national Palava Hut forums. The tribal governors are recognized by the Liberian government, and they are charged with specific responsibilities that involve the mediation of disputes among their people. Some of them have actually been involved in settling war-related disputes, implying that they already have some experience in addressing the issues that are the focus of the yet-to-be-established national Palava Hut. Since they are already involved in addressing such issues, they should be made the nuclei of the national Palava Hut forums, which can engage the services of their courts. A pilot project should be undertaken in selected quasi- or non-relational communities using the tribal governors as panel members to assess their potentials and limitations prior to the full-scale implementation of the process. Where tribal governors sit and determine cases alone, Palava Hut panels can be constituted by involving their assistants or elders—who

either understand the process or have previous experience with it—as additional Palava Hut panel members in quasi-relational communities.

It is, therefore, important that the tribal governors are involved in all the critical stages of the national Palava Hut, from the design through the implementation of the process. As some may not be experienced in addressing war-related issues, it is useful that they are given some form of orientation that prepares them adequately for the task. Their services can be complemented by the expertise of psychologists, sociologists, or anthropologists serving as facilitators. To be effective, however, the tribal governors must be free of political manipulation. While serving as national Palava Hut convenors, they can be given allowances that reduce their dependence on politicians who may want to influence them. In addition, the tribal governors who do not have existing physical Palava Hut structures can be provided with such structures or offices in order to discharge their functions effectively.

Recruit Palava Hut Convenors from Relational Communities

To constitute Palava Hut convening panels in non-relational communities where such panel members are not available, such convenors should be recruited from relational communities. This can be done through direct contact with particular Palava Hut elders in the various counties of Liberia. Alternatively, a call for applications can be published to encourage interested candidates to apply. Applicants can go through a selection process that includes interviews. Selected applicants can subsequently be given short orientation courses, as the tasks to be performed may differ slightly from those they carry out in their relational communities. The formation of Palava Hut panels that are cross-ethnic in nature will not only be useful for addressing cases involving parties from different ethnic groups, but it may also be useful for the institutionalization of the Palava Hut process as an alternative forum for justice in non-relational communities. This will, in turn, make possible the broadening of the scope of the national Palava Hut beyond specific war-related issues to address other issues

that serve as sources of social cleavages and conflicts in communities, including those not amenable to judicial settlements. Expanding the horizon of the proposed Palava Hut beyond war-related issues can enhance participation in the justice process and expand access to justice delivery in Liberia, as those who may not be able to seek justice through the statutory courts may still be able to access justice through the Palava Hut.

Democratize the Palava Hut

Another major challenge faced by the Palava Hut in terms of adopting it as a national instrument of justice, reconciliation, reintegration, and peacebuilding in both relational and non-relational communities relates to the exclusion of women and the youth from the process. The Palava Hut traditionally excludes women and the youth in many communities. If the concerns of women and the youth are to be addressed adequately under the national Palava Hut, then there will be a need to democratize it ways that broaden participation to include women and the youth at all levels of the process, including their involvement on Palava Hut panels. For this to be possible, however, these potential participants need to go through special training and orientation that will enable them to perform their roles effectively, as they have traditionally been kept out of the process. This may require special programs that involve the identification and recruitment of potential women and youth as Palava Hut convenors, the development of special training programs that focus on relational justice, the implementation of pilot programs, the deployment of the trained youth and women as part of the Palava Hut process, and the evaluation of their performance as Palava Hut convenors after a specified period of time.

Involve Local Actors in Reintegration-related Processes

Although the implementation of the Palava Hut process may require the support of international agencies such as the UNDP, its effectiveness and sustainability may be in doubt if it is not locally owned, but rather perceived as a UNDP program instead of a Liberian

process. International actors and agencies involved in the process should, therefore, include the views and participation of local stakeholders who will be impacted by the national Palava Hut at all stages—including its design, implementation, and impact assessment.

Take a Comprehensive Approach to Reintegration.

Reintegration of ex-combatants is first and foremost a relational process. If the integrative and reconciliation goals of the process are to be achieved, future reintegration programs should explore the potential for merging the economic and social dimensions of reintegration. This can be done, for example, by linking reintegration packages to justice processes such as the Palava Hut, so that ex-combatants will only qualify for reintegration packages when they participate in justice and reconciliation processes. Making justice and reconciliation a precondition for reintegration can help curb the public perceptions of reintegration packaged as a “reward for impunity.”

Limitations of the Study

Given that this study is based on a qualitative research method, with only a single case and a (non-random) sample size of 40 respondents, the findings arrived at cannot be generalized to other post-conflict contexts, or even to survivors of the Liberian Civil War in general. However, the theory of relational justice developed here can serve as the basis for future theory testing using different cases and larger randomized sample sizes. Specifically, a survey can be conducted with a larger randomized sample drawn from all the Palava Hut-practicing communities in Liberia to test the generalizability of the theory of relational justice.

Considerations for Future Research

Based on the findings of the research, it appears that relational settlements ought to last longer than non-relational settlements. A brief review of the literature yields no results in

terms of whether the proposition holds or not. If relational settlements last longer, can/do they also make peace last longer? What are the long-term impacts or effects of relational justice settlements? Finding answers to these basic questions can have an important bearing on peacebuilding-related policy. It is, therefore, one of the questions I intend to focus on in future research.

Furthermore, beyond the process of reconciliation and reintegration of ex-combatants, what happens to the numerous Palava Huts to be established? No explanations have been offered in terms of what will be done with the national Palava Hut forums when they officially end their mandates. However, it appears that the delivery of justice in Liberia can improve significantly if the formal justice system is complemented by national Palava Hut forums, particularly on a long-term basis. In other words, accessibility to justice should improve when the formal justice system is complemented by a permanent national Palava Hut process, an idea that needs to be tested in future research.

Finally, compliance with Palava Hut decisions in non-relational communities where they currently lack legitimacy is one of the major challenges to be encountered in trying to introduce the Palava Hut process in parts of Liberia where it is currently not present. Going forward, it will be important to explore how compliance with Palava Hut determinations can be enhanced, particularly if the process is institutionalized as an alternative avenue for justice in non-relational communities.

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Appendix A**INTERVIEW GUIDE****Palava Hut Participants**

- 1) Can you please share with me your experiences with the Palava Hut and its processes?
- 2) What informed your choice of the Palava Hut process (over other conflict resolution or justice mechanisms)?
- 3) What were the main reasons/your main concerns for participating in the Palava Hut process?
- 4) What is your assessment of the process in dealing with your issue?
- 5) What were the benefits of participating in the process? What were the shortfalls?
- 6) How would you describe the nature of your relationship with the other party before and after going through the Palava Hut process?
- 7) How would you describe the nature of your relationship with your community before and after going through the Palava Hut process?
- 8) What would be your advice for colleagues/friends who are thinking of taking part in the process?
- 9) What are the most important issues you will consider in deciding to welcome an ex-combatant back into the community?
- 10) Is justice a factor you will consider in deciding to normalize your relationship with an ex-combatant? If so, what is justice in your opinion?

Justice Practitioners

- 1) How does the Palava Hut work to address “everyday” disputes, such as those relating to land or petty theft?
- 2) How has the Palava Hut process worked so far in this town? What would you say are its strengths and weaknesses?
- 3) How can the Palava Hut work to restore justice in the community? How would you describe the idea of justice?
- 3) What types of concerns are typically brought before the Palava Hut? Could you give an example to show how the process works?
- 4) How do you settle disputes between people from your community and other communities (using the Palava Hut process)?
- 5) How can it be used to promote reintegration now that the conflict is over?
- 6) What challenges do you face in trying to manage disputes through the Palava Hut, now that the war is over?

- 7) Are there any issues, in your opinion, that cannot be addressed through the Palava Hut process? If so, how can such issues be dealt with?
- 8) How can the process be used to address war-related issues?
- 9) Can you please share with me what you think can be done to make the process more effective in terms of promoting reconciliation?

Legislators/Policy makers

- 1) What role, if any, do you think indigenous conflict resolution approaches can play towards the promotion of reconciliation?
- 2) Can you please share with me your experiences / impressions of the Palava Hut process?
- 3) What would you say are the benefits and limitations of using the Palava Hut process? How could it be improved?
- 4) In your experience, how can the Palava Hut process help to build good relations?
- 5) How can the Palava Hut process, which has been used successfully in rural regions, be used for resolving disputes in cities like Monrovia?
- 7) In your opinion, how can the Palava Hut process and the criminal justice system complement and reinforce one another?
- 6) How can the process be used to address war-related issues?

UNMIL Official

- 1) What is your overall assessment of the impact of the reintegration process, especially with regards to reconciliation between ex-combatants and their communities of return?
- 2) It is often asserted that reintegration promotes impunity, as it focuses on the concerns of ex-combatants at the expense of recipient communities. How would you respond to this claim?
- 3) How can the reintegration process be conducted in order to promote reconciliation in communities?
- 4) How can the justice concerns of victims/survivors be addressed within the framework of reintegration?
- 5) How can indigenous justice approaches, such as the Palava Hut, be incorporated into the process of reintegration?
- 6) How can the Palava Hut process, which has been used successfully in rural regions, be used for resolving disputes in cities like Monrovia?
- 7) How can the process be used to address war-related issues?

NGOs & CBOs

- 1) What is your assessment of the Palava Hut process in dealing with your issue?
- 2) In your experience, how can Palava Hut process help to build good relations?
- 3) How can the Palava Hut process, which has been used successfully in rural regions, be used for resolving disputes in cities like Monrovia?
- 4) In your opinion, how can the Palava Hut process and the criminal justice system complement and reinforce one another?
- 5) How can the process be used to address war-related issues?

Appendix B**SIGNED CONSENT FORM**

Title of Research Study: Relational Justice and Reintegration in Liberia

Researcher Contact Information:

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Introduction

You are being invited to take part in a research study conducted by Ferdinand Kwaku Danso, Ph.D. Candidate at Kennesaw State University working under the supervision of Dr. Volker Franke, Professor of Conflict Management at Kennesaw State University. Before you decide to participate in this study, you should read this form and ask questions about anything that you do not understand.

Description of Project

The purpose of the study is to understand how the Palava Hut process of Liberia works to address disputes within local communities, and how the process can be transferred to urban communities. The study also seeks to explore how the Palava Hut process can facilitate the process of reintegration and contribute to effective peacebuilding in Liberia and beyond.

Explanation of Procedures

During the interview, you will be asked a number of specific questions and your role will be to freely answer the questions to the best of your knowledge. You may choose not to answer any question if you do not want to. You may also withdraw from participating in the study at any time if you so wish without any form of penalty.

Time Required

The interview is expected to last not more than 30 minutes.

Risks or Discomforts

No known risks are anticipated from this research.

Benefits

Although there will be no direct benefits due to taking part in this study, recommendations from the study can contribute to effective reintegration leading to more sustainable peace.

Compensation

No compensation is available.

Confidentiality

Information obtained through the interviews will be saved on a personal laptop protected with a secured password and no other person will gain access to them. Also, no specific information can be traced to any person participating in the study. All data will be destroyed after the publication of research findings.

Inclusion Criteria for Participation

You must be 18 years or older to participate in this study.

Signed Consent

The purpose of this research has been explained to me and my participation is entirely voluntary. I agree and give my consent to participate in this research project. By signing this consent form, I am consenting to participate in the study and have my data used by the researcher. I understand that I may withdraw my consent at any time without penalty.

Signature of Participant or Authorized Representative, Date

Signature of Investigator, Date

PLEASE SIGN BOTH COPIES OF THIS FORM, KEEP ONE AND RETURN THE OTHER TO THE INVESTIGATOR

Research at Kennesaw State University that involves human participants is carried out under the oversight of an Institutional Review Board. Questions or problems regarding these activities should be addressed to the Institutional Review Board, Kennesaw State University, 1000 Chastain Road, #0112, Kennesaw, GA 30144-5591, (678) 797-2268.

Appendix C**ANALYTIC MEMOS****Memo 1 – Distilling Tentative Patterns****September 4, 2015**

In all four interviews [the first four interviews conducted], respondents frequently emphasized the important of justice. Justice is important because “You cannot pursue peace without justice”; bring “closure to hurt, to pains suffered by victims during the war” without justice; or maintain social harmony and stability without it. But respondents also stressed the importance of forgiveness and reconciliation. People meet under the Palava Hut to resolve conflicts. Offenders and victims come face-to-face to iron out their differences so that they will relate well in their communities. Under the Palava Hut, justice and peace work “hand in hand” and are seen as “two sides of the same coin.” I think I have a conceptual idea based on what has been said: Palava Hut integrates both justice and reconciliation at the same time (in the way retributive justice cannot). It addresses impunity and yet fosters reconciliation among conflicting parties. The integration of justice and reconciliation, I think, suggests that the Palava Hut type of justice is a different category of justice. But more importantly, the integrative attribute of the Palava Hut provides a solid basis on which to begin to build a relational model of justice that is useful as a transitional justice mechanism that is relevant for reintegration. I need to pay particular attention to and ask questions that will explain why reconciliation and forgiveness are pursued under the Palava Hut beyond simply exacting punishment, and also how this process can be extended to Monrovia.

Appendix D**SAMPLING FRAME EXCERPT**

Srl	Codes
1	Peace as outcome of justice
2	Varying conceptions of justice
3	Returning from court
4	Neglecting the plight of families
5	Delivering hollow justice
6	Making legal interpretations
7	Law as source of micro conflict
8	law will say what the law is
9	Relational blindness
10	Going home after court
11	Enforcing the law
12	Multiple representations of justice
13	African conception of justice as non-retributive
14	Restorative justice as non-retributive
15	Community stability/harmony as ends of justice
16	Interdependence as survival strategy
17	Repairing relational damage as end of justice
18	African conception of justice as non-retributive
19	Delivering justice to communities
20	Liberian process as truth commission
21	Very little reconciliation took place
22	Focusing on testimonies
23	Failing to reconcile
24	Inspiring revenge
25	Being limited to testimonies
26	Role of TRC
27	Perceiving value in TRC
28	Relational repair as end of justice
29	Lacking reconciliation
30	Feeling TRC process gaps
31	Organizational issues
32	Failing to resolve difference
33	Conflicting positions
34	Casting doubts on findings
35	Palava Hut as forum of reconciliation
36	Palava Hut as forum of reconciliation
37	Palava Hut as a concept
38	Types of cases under Palava Hut
39	Elders as convenors

Appendix E

List of Study Participants

Participant (Interviewee) Name/number	Brief Description/Descriptors	Place	Date Sep 2015
Participant 1	Criminal Court Judge	Monrovia	3 Sep
Participant 2	Henry B. Fahnbulleh - Legislator/Representative	Monrovia	3 Sep
Participant 3	Former executive member of Liberian TRC	Monrovia	4 Sep
Participant 4	Female Lawyers Sep	Monrovia	4 Sep
Participant 5	Hon. Musu K. Thompson - President of Tribal Governors' Council	Monrovia	7 Sep
Participant 6	Fem survivor	Monrovia	7 Sep
Participant 7	Former Solicitor General / Human Rights Lawyer	Monrovia	7 Sep
Participant 8	Civil Society Activist/Policy Analyst	Monrovia	8 Sep
Participant 9	Human Rights Lawyer	Monrovia	9 Sep
Participant 10	Palava Hut Expert / Civil Society Activist	Monrovia	9 Sep
Participant 11	Commissioner of the Liberian TRC	Monrovia	10 Sep
Participant 12	Dr. S Koneh –Athropologist - Uni of Liberia	Monrovia	10 Sep
Participant 13	Prof Debey Sayndee- Director Fofi Annan Inst., University of Liberia	Monrovia	10 Sep
Participant 14	Senior Official National Palava Hut Project	Monrovia	11 Sep
Participant 15	Fala Brown - Dep Trib Gov Chicken Soup Factory	Monrovia	11 Sep
Participant 16	35-year-Male Survivor	Monrovia	12 Sep
Participant 17	30-year-old Male Ex-com1 –West Point	Monrovia	14 Sep
Participant 18	31-year-old Male Ex-com2 -West Point	Monrovia	14 Sep
Participant 19	50-year-old Excom3 - West Point	Monrovia	14 Sep
Participant 20	30-year-old Male Survivor (trader)	Monrovia	14 Sep
Participant 21	Female Survivor	Monrovia	14 Sep
Participant 22	Town Chief of Gbojay	Gbojay	15 Sep
Participant 23	Head Traditional Women's Group	Gbojay	15 Sep
Participant 24	Female Palava Hut Participant	Gbojay	15 Sep
Participant 25	District Admin Assistant	Gbojay	15 Sep
Participant 26	Palava Hut Part./ Township Commissioner	Gbojay	15 Sep
Participant 27	Female indigene of Gbojay	Gbojay	15 Sep
Participant 28	Male Palava Hut Participant Gbojay – Sep 15	Gbojay	15 Sep
Participant 29	Youth Leader, Tubmanberg Sep 16	Tubmanberg	16 Sep
Participant 30	Male Monrovia Resident/Civil Society Activist	Monrovia	18 Sep
Participant 31	Female Monrovia Resident	Monrovia	19 Sep
Participant 32	Community Chief Belema Community	Monrovia	20 Sep
Participant 33	Female Gbojay indigene in Monrovia	Monrovia	20 Sep
Participant 34	Gbojay indigene / civil servant	Monrovia	20 Sep
Participant 35	Male Student UL / Palava Hut participant	Monrovia	21 Sep

Participant 36	Female student UL/ Palava Hut participant	Monrovia	21 Sep
Participant 37	Senior Official of NCDDRR	Monrovia	21 Sep
Participant 38	Student UL/ Palava Hut Participant	Monrovia	21 Sep
Participant 39	Child Protection Office/ Advocate Monrovia	Monrovia	21 Sep
Participant 40	Female student UL Monrovia	Monrovia	22 Sep
	Prof. Guanu—Director, Institute of Peace and Conflict Resolution, Cuttington University—Monrovia	Monrovia	Sep 22
Focus Group Participants	Brief Description/Descriptors	Place	Date Sep 2015
Focus Group Participant 1	41-year-old male Atta shop member	Monrovia	4 Sep
Focus Group Participant 2	46-year-old male Atai shop member	Monrovia	4 Sep
Focus Group Participant 3	34-year-old male Atai shop member	Monrovia	4 Sep
Focus Group Participant 4	28-year-old female Atai shop member	Monrovia	4 Sep
Focus Group Participant 5	29-year-old female Atai Shop member	Monrovia	4 Sep
Focus Group Participant 6	33-year-old female Atai shop member	Monrovia	4 Sep
Focus Group Participant 7	45-year-old male Atai shop member	Monrovia	4 Sep